

സണ്ണി ലിയോണിനെപ്പോലുള്ള നടികൾക്ക് ഇന്ത്യയിൽ സിനിമയിൽ അഭിനയിക്കാൻ അനുവാദം നൽകുന്നത് എന്ത് നിയമപ്രകാരമാണെന്നായിരുന്നു അപേക്ഷകർ Central Board of Film Certification ലെ പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസറോട് വിവരാവകാശ നിയമപ്രകാരം ചോദിച്ചത്. ഈ ചോദ്യങ്ങൾ ഒരു അഭിപ്രായമായതിനാൽ നിയമത്തിന്റെ പരിധിയിൽ വരില്ല എന്ന് കമ്മീഷൻ നിരീക്ഷിച്ചു.

Central Information Commission, New Delhi

File No.CIC/SM/A/2012/001728, 1729 & 1730

Right to Information Act-2005-Under Section (19)

Date of hearing	:	12 April 2013
Date of decision	:	12 April 2013
Name of the Appellant	:	Shri Jigar Desai, 659, Khodiyar Dairy Parlour, Satadgar, Pavapuri Road, Janta Nagar, Ghatodia, Ahmedabad – 380 061. Shri Ronak Patel, E/14, Suprabhat Flats, Opp. Someshwara Part 3, Near Gulab Tower, Thaltej, Ahmedabad – 380 054.
Name of the Public Authority	:	CPIO, Central Board of Film Certification, Ministry of Information and Broadcasting, Bharat Bhavan, 91 E, Walkeshwar Road, Mumbai – 400 006.

Both the Appellant's were present.

On behalf of the Respondent, Shri Amitabh Sharma, CPIO was present.

Chief Information Commissioner : Shri Satyananda Mishra

2. We heard all these three cases together because of the similarity in the subject matter. We heard all the parties.

3. In their respective RTI applications, both the Appellants had sought some information but mostly opinion from the CPIO not only about the method of certification of films but also about their screening in theatres, educational qualification of the Chairperson and the Members of the Central Board of Film Certification (CBFC). In one case (1730), the Appellant had wanted to know about the specific law which allowed porn actors like Sunny Leone to perform in India. The CPIO had attempted to provide whatever information was materially available but had clearly stated where no information was available, such as, in the case of the query regarding the specific law allowing porn actors to perform in India or the number of theatres in India and abroad where Bollywood films were screened. In all the three cases, it appears that the Appellate Authority had not disposed off the appeals filed before him.

4. We have carefully gone through the contents of the RTI applications and the submissions made before us. It is quite clear that most of the queries made in all these three applications would not qualify for information within the meaning of section 2(f) of the Right to Information (RTI) Act being clearly in the nature of seeking the comments of the CPIO on the views of the information seeker. For example, the CPIO cannot obviously offer any opinion on the likely effect of films on the viewers or whether the movies in the recent times had been affecting the local culture and the moral of the people. The duty of the CPIO under the Right to Information (RTI) Act is limited only to provide that information which is available in writing in material form; he is not required to offer his own opinion or create new information on the demand of the information seeker. Both the Appellants in these three cases have their own views about how the films should be made, what language should be used in the making of films, which actors should be engaged and in which theatres the film should be shown. They are absolutely free to have any such opinion. They cannot, however, seek validation of their opinion from the CPIO. That is totally beyond the scope of the Right to Information (RTI) Act.

5. In brief, we find that the CPIO has already provided whatever information was available with the CBFC. There is no further information to be disclosed in either of these cases.

6. Both the appeals are disposed of accordingly.

7. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Chief Information Commissioner