



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066
Website: www.cic.gov.in

Decision No.4597/IC(A)/2009

F. No.CIC/AD/C/2009/000751

Dated, the 6th October, 2009

Name of the Appellant: Shri. Satish Chander Bhardwaj

Name of the Public Authority: National Informatics Centre

Facts: ⁱ

1. Both the parties were heard on 5/10/2009. While the appellant was heard through Video Conferencing from Kochi Centre, the CPIO, Shri. Swarup Dutta and Dr. Kashi Nath, DDG and AA, were present in person.

2. In the course of hearing, the details of information asked for and the CPIO's response were discussed. The appellant, an employee of NIC, stated that he has asked for information about a senior official of the respondent, Dr. Kashi Nath, DDG and AA. The information asked for relate to the bio-data submitted by Dr. Kashi Nath about thirty years ago at the time of initial appointment. In particular, he has asked for educational qualifications, copies of certificates submitted by him, the basis of appointment, the members of the Selection Committee, the details of movable and immovable property, the details of promotions and copies of appointment letters, etc.

3. The CPIO has furnished partial information, while the remaining information has been refused to him, u/s 8(1)(j) of the Act, on the ground of personal information. The appellant alleged that the CPIO has deliberately provided incomplete information.

4. The CPIO stated that the appellant has service related grievances. And, therefore, he has asked for information about Dr. Kashi Nath, the Appellate Authority of the NIC, who has handled over 53 RTI applications submitted by the appellant. The respondents also stated that the appellant has also quarreled and misbehaved with another Hon'ble Central Information Commissioner, who had heard him earlier. It was due to the appellant's complaint against the concerned Commissioner that this case was transferred to this Bench.

ⁱ ***"If you don't ask, you don't get."*** - Mahatma Gandhi

5. The CPIO and AA also alleged that the appellant was misusing the provisions of the RTI Act and he was sending frequent e-mails to different authorities through which he was lodging complaints about various functionaries, namely, the officials of the respondents. The appellant has also been using unpleasant language against various authorities. And, in the garb of seeking information, he was harassing the officials of the respondent and in the instant case, the AA of NIC.

6. During the hearing, the Commission asked the appellant as to what was the public interest in seeking personal information about an officer, or in what manner he was affected in the matter. The appellant refused to divulge any thing about his intentions as to how best he would use the desired information. He did not share the details about the motivating factor for seeking personal information about AA of NIC.

Decision:

7. The appellant has asked for personal details of a colleague, who has examined and replied to a large number of RTI applications submitted by the appellant, who sought for information relating to the appellant's grievances regarding service matters.

8. In the instant case, the CPIO has furnished a point-wise response. He has refused to furnish personal details of the AA u/s 8(1)(j) of the Act, which is justified on the ground that the appellant has not indicated as to what is the public interest in seeking personal information, which are not necessarily an outcome of any public activity.

9. It seems that the appellant has been using the provisions of the Act to access personal and official details on the basis of which he would be able to harass and humiliate the officials of the respondent; the AA in the instant case. Such an act is attributable to the appellant's malafied intentions to settle personal scores in the garb of seeking information. If he is genuinely affected in any manner, he could either use the internal channel of communication for redressal of his grievances relating to service matters or share the details with the Commission so that appropriate direction could be passed to the respondent in the matter of corrupt practices, if any. But, the appellant has failed to do so.

10. The appellant, a public servant, is in the habit of making baseless allegations against his own colleagues as well as the officials of this Commission by way of sending unnecessary emails. The appellant's conduct and approach to harass all those who are associated with his frivolous RTI applications are condemnable. In the garb of seeking information for promotion of personal interest, mainly to settle personal scores with his colleagues and others, he has

mis-used the provisions of the RTI Act and added to unnecessary public costs of servicing RTI applications.

11. There is no reason why the respondents, NIC should not take appropriate action under the Service (Conduct) Rules so as to discipline and discourage the appellant from misusing the provisions of the Act at the cost of tax payers.

12. In view of the fact that the appellant, being a public servant and a part of information provider, is responsible for incurring unnecessary costs in providing the information, there is no reason as to why the CPIO should not recover the costs of providing information as per Section 7(3) of the Act, particularly on account of the postal charges for sending replies in response to a large number of applications.

13. The appeal is thus disposed of.

Sd/-
(Prof. M.M. Ansari)
Central Information Commissionerⁱⁱ

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name & address of Parties:

1. Shri. Satish Chander Bhardwaj, Block No.17/927, Lodi Colony, New Delhi - 110 003.
2. Shri. Swarup Dutta, Scientist D & CPIO, National Informatics Center, A-Block, CGO Complex, Lodi Road, New Delhi – 110 003
3. Dr. Kashi Nath, DDG & Appellate Authority, National Informatics Center, A-Block, CGO Complex, Lodi Road, New Delhi – 110 003
4. The Director General, National Informatics Center, A-Block, CGO Complex, Lodi Road, New Delhi – 110 003

ⁱⁱ “*All men by nature desire to know.*” - Aristotle

Central Information Commission, New Delhi
File No.CIC/SM/A/2013/000058
Right to Information Act-2005-Under Section (19)

Date of hearing : 26/06/2013

Date of decision : 26/06/2013

Name of the Appellant : **Sh. Manoj Arya,**
(RTI Activists and Social Worker) 67, Sec-
12, CPWD Flats, R K Puram, New Delhi
-110022

Name of the Public Authority : **Central Public Information Officer,**
Cabinet Secretariat,
(Vigilance & Complaint Cell), 2nd Floor,
Sardar Patel Bhawan, New Delhi -110001

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri M.P. Sajeevan, DS & CPIO was present.

The third party, Shri S B Agnihotri, DG (DEF. ACQ) MoD was present.

Chief Information Commissioner : **Shri Satyananda Mishra**

2. We heard the submissions of both the respondent and the third party in the case.

3. In his RTI application, the Appellant had sought the copies of the complaints made against the third party in the case and the details of the action taken including the copies of the enquiry reports. He had also wanted the copies of the correspondence made between the Cabinet Secretariat and the Ministry of Shipping in respect of the third party in the case. The CPIO after consulting the third party under Section 11 of the Right to Information Act, had

refused to disclose any such information by claiming that it was personal in nature and thus exempted under the provisions of section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this decision of the CPIO, the Appellant had preferred an appeal. The Appellate Authority had disposed of the appeal in a speaking order in which he had endorsed the decision of the CPIO.

4. We have carefully gone through the contents of the RTI application and the order of the Appellate Authority. We have also considered the submissions of both the respondent and the third party in the case. The entire information sought by the Appellant revolves around the complaints made against an officer of the government and any possible action the authorities might have taken on those complaints. The Appellate Authority was very right in deciding that this entire class of information was qualified as personal information within the meaning of the provisions of Section 8 (i) (j) of the RTI Act. In this connection, it is very pertinent to cite the decision of the Supreme Court of India in the SLP(C) No. 27734 of 2012 (Girish R Deshpande vs CIC and others) in which it has held that “the performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual.” The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest. The information sought by the Appellant in this case is about some complaints made against a government official and any possible action the authorities might have taken on those complaints. It is, thus, clearly the kind of information which is envisaged in the above Supreme Court order. Therefore, the information is completely exempted from disclosure under the provisions of the RTI Act which both the CPIO and the Appellate Authority have

rightly cited in their respective orders.

5. We find no grounds to interfere in the order of the Appellate Authority.

The appeal is rejected.

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

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Special Leave Petition (Civil) No. 27734 of 2012
(@ CC 14781/2012)

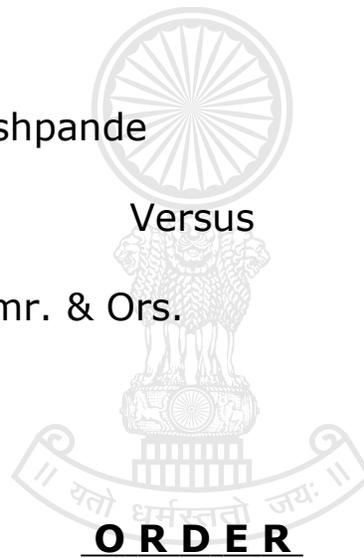
Girish Ramchandra Deshpande

.. Petitioner

Versus

Cen. Information Commr. & Ors.

.. Respondents



JUDGMENT

1. Delay condoned.
2. We are, in this case, concerned with the question whether the Central Information Commissioner (for short 'the CIC') acting under the Right to Information Act, 2005 (for short 'the RTI Act')

was right in denying information regarding the third respondent's personal matters pertaining to his service career and also denying the details of his assets and liabilities, movable and immovable properties on the ground that the information sought for was qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act.

3. The petitioner herein had submitted an application on 27.8.2008 before the Regional Provident Fund Commissioner (Ministry of Labour, Government of India) calling for various details relating to third respondent, who was employed as an Enforcement Officer in Sub-Regional Office, Akola, now working in the State of Madhya Pradesh. As many as 15 queries were made to which the Regional Provident Fund Commissioner, Nagpur gave the following reply on 15.9.2008:

"As to Point No.1: Copy of appointment order of Shri A.B. Lute, is in 3 pages. You have sought the details of salary in respect of Shri A.B. Lute, which

relates to personal information the disclosures of which has no relationship to any public activity or interest, it would cause unwarranted invasion of the privacy of individual hence denied as per the RTI provision under Section 8(1)(j) of the Act.

As to Point No.2: Copy of order of granting Enforcement Officer Promotion to Shri A.B. Lute, is in 3 Number. Details of salary to the post along with statutory and other deductions of Mr. Lute is denied to provide as per RTI provisions under Section 8(1)(j) for the reasons mentioned above.

As to Point NO.3: All the transfer orders of Shri A.B. Lute, are in 13 Numbers. Salary details is rejected as per the provision under Section 8(1)(j) for the reason mentioned above.

As to Point No.4: The copies of memo, show cause notice, censure issued to Mr. Lute, are not being provided on the ground that it would cause unwarranted invasion of the privacy of the individual and has no relationship to any public activity or interest. Please see RTI provision under Section 8(1)(j).

- As to Point No.5: Copy of EPF (Staff & Conditions) Rules 1962 is in 60 pages.
- As to Point No.6: Copy of return of assets and liabilities in respect of Mr. Lute cannot be provided as per the provision of RTI Act under Section 8(1)(j) as per the reason explained above at point No.1.
- As to Point No.7: Details of investment and other related details are rejected as per the provision of RTI Act under Section 8(1)(j) as per the reason explained above at point No.1.
- As to Point No.8: Copy of report of item wise and value wise details of gifts accepted by Mr. Lute, is rejected as per the provisions of RTI Act under Section 8(1)(j) as per the reason explained above at point No.1.
- As to Point No.9: Copy of details of movable, immovable properties of Mr. Lute, the request to provide the same is rejected as per the RTI Provisions under Section 8(1)(j).
- As to Point No.10: Mr. Lute is not claiming for TA/DA for attending the criminal case pending at JMFC, Akola.
- As to Point No.11: Copy of Notification is in 2 numbers.

As to Point No.12: Copy of certified true copy of charge sheet issued to Mr. Lute – The matter pertains with head Office, Mumbai. Your application is being forwarded to Head Office, Mumbai as per Section 6(3) of the RTI Act, 2005.

As to Point No.13: Certified True copy of complete enquiry proceedings initiated against Mr. Lute – It would cause unwarranted invasion of privacy of individuals and has no relationship to any public activity or interest. Please see RTI provisions under Section 8(1)(j).

As to Point No.14: It would cause unwarranted invasion of privacy of individuals and has no relationship to any public activity or interest, hence denied to provide.

As to Point No.15: Certified true copy of second show cause notice – It would cause unwarranted invasion of privacy of individuals and has no relationship to any public activity or interest, hence denied to provide.”

4. Aggrieved by the said order, the petitioner approached the CIC. The CIC passed the order on 18.6.2009, the operative portion of the order reads as under:

"The question for consideration is whether the aforesaid information sought by the Appellant can be treated as 'personal information' as defined in clause (j) of Section 8(1) of the RTI Act. It may be pertinent to mention that this issue came up before the Full Bench of the Commission in Appeal No.CIC/AT/A/2008/000628 (**Milap Choraria v. Central Board of Direct Taxes**) and the Commission vide its decision dated 15.6.2009 held that "the Income Tax return have been rightly held to be personal information exempted from disclosure under clause (j) of Section 8(1) of the RTI Act by the CPIO and the Appellate Authority, and the appellant herein has not been able to establish that a larger public interest would be served by disclosure of this information. This logic would hold good as far as the ITRs of Shri Lute are concerned. I would like to further observe that the information which has been denied to the appellant essentially falls in two parts – (i) relating to the personal matters pertaining to his services career; and (ii) Shri Lute's assets & liabilities, movable and immovable properties and other financial aspects. I have no hesitation in holding that this information also qualifies to be the 'personal information' as defined in clause (j) of Section 8(1) of the RTI Act and the appellant has not been able to convince the Commission that disclosure thereof is in larger public interest."

5. The CIC, after holding so directed the second respondent to disclose the information at paragraphs 1, 2, 3 (only posting details), 5, 10, 11, 12,13 (only copies of the posting orders) to the appellant within a period of four weeks from the date of the order. Further, it was held that the information sought for with regard to the other queries did not qualify for disclosure.

6. Aggrieved by the said order, the petitioner filed a writ petition No.4221 of 2009 which came up for hearing before a learned Single Judge and the court dismissed the same vide order dated 16.2.2010. The matter was taken up by way of Letters Patent Appeal No.358 of 2011 before the Division Bench and the same was dismissed vide order dated 21.12.2011. Against the said order this special leave petition has been filed.

7. Shri A.P. Wachasunder, learned counsel appearing for the petitioner submitted that the documents sought for vide Sl. Nos.1, 2 and 3 were pertaining to appointment and promotion

and Sl. No.4 and 12 to 15 were related to disciplinary action and documents at Sl. Nos.6 to 9 pertained to assets and liabilities and gifts received by the third respondent and the disclosure of those details, according to the learned counsel, would not cause unwarranted invasion of privacy.

8. Learned counsel also submitted that the privacy appended to Section 8(1)(j) of the RTI Act widens the scope of documents warranting disclosure and if those provisions are properly interpreted, it could not be said that documents pertaining to employment of a person holding the post of enforcement officer could be treated as documents having no relationship to any public activity or interest.

9. Learned counsel also pointed out that in view of Section 6(2) of the RTI Act, the applicant making request for information is not obliged to give any reason for the requisition and the CIC was not justified in dismissing his appeal.

10. This Court in **Central Board of Secondary Education and another v. Aditya Bandopadhyay and others** (2011) 8 SCC 497 while dealing with the right of examinees to inspect evaluated answer books in connection with the examination conducted by the CBSE Board had an occasion to consider in detail the aims and object of the RTI Act as well as the reasons for the introduction of the exemption clause in the RTI Act, hence, it is unnecessary, for the purpose of this case to further examine the meaning and contents of Section 8 as a whole.

11. We are, however, in this case primarily concerned with the scope and interpretation to clauses (e), (g) and (j) of Section 8(1) of the RTI Act which are extracted herein below:

"8. Exemption from disclosure of information.- (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.”

12. The petitioner herein sought for copies of all memos, show cause notices and censure/punishment awarded to the third respondent from his employer and also details viz. movable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is

whether the above-mentioned information sought for qualifies to be "personal information" as defined in clause (j) of Section 8(1) of the RTI Act.

13. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the

larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

14. The details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information.

15. The petitioner in the instant case has not made a bona fide public interest in seeking information, the disclosure of such information would cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act.

16. We are, therefore, of the view that the petitioner has not succeeded in establishing that the information sought for is for

the larger public interest. That being the fact, we are not inclined to entertain this special leave petition. Hence, the same is dismissed.

New Delhi
October 3, 2012



.....J.
(K. S. RADHAKRISHNAN)

.....J.
(DIPAK MISRA)

JUDGMENT