

Webinar Start at 11:15 hrs

Right to Information Act

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Introduction :

- RTI has dynamic role in constitutional governance.
- It is in consonance with Article 19(1)(a), Article 14 and Article 21 of the Constitution.
- It is a right for the illumination of our democratic right.
- It is an effective mechanism for access to information.
- It has repealed Freedom of Information Act-2002,
- RTI came in to force on 12th October 2005.
- In RTI we find hierarchy information officer.
- RTI has 31 Sections, Two Schedule and Six Chapters.
- The heart and soul of RTI is Chapter-II containing section 3 to 11 total 9 sections.

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- But, there is some reasonable restrictions as enshrined in the constitution
 - in Article 19(2).
 - ~~record as defined in section 2(i) of RTI Act which include, any document~~
 - manuscript
 - and file any Micro Film, Microfiche, and facsimile copy of the document
 - Section 2(j) of RTI Act defines Right to Information which means the
 - information accessible
 - under this Act which is under the control of public authority and includes
 - Right to inspection of
 - work, document, records, taking notes, extracts or certifies copies of
 - documents or records, taking
 - certified sample of material or obtained in information of any form.
 - Section 4(1)(a) Cast a statutory duty on every public authority to
 - maintain all records and computerized it
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- Section 21 gives immunity to RTI officials against
 - any legal proceeding in the court.
 - Section 22 gives overriding power to the provision of RTI Act 2005.
 - Section 23 of RTI empowers the Act that no suit in the court
 - can be filed or all will be entertained.
 - It is important to know the provision of Chapter-1 (Preliminary
 - Chapter), Section-2(f) of RTI
 - which defined information in any material form including records
 - documents memos, emails, opinions,
 - advises, Press releases, circulars, orders, logbooks, contracts,
 - reports, papers, samples, models,
 - data materials, held in any electronic form and information
 - relating to any public body which
 - can be accessed by public authority under any other Law for
 - time being in force.
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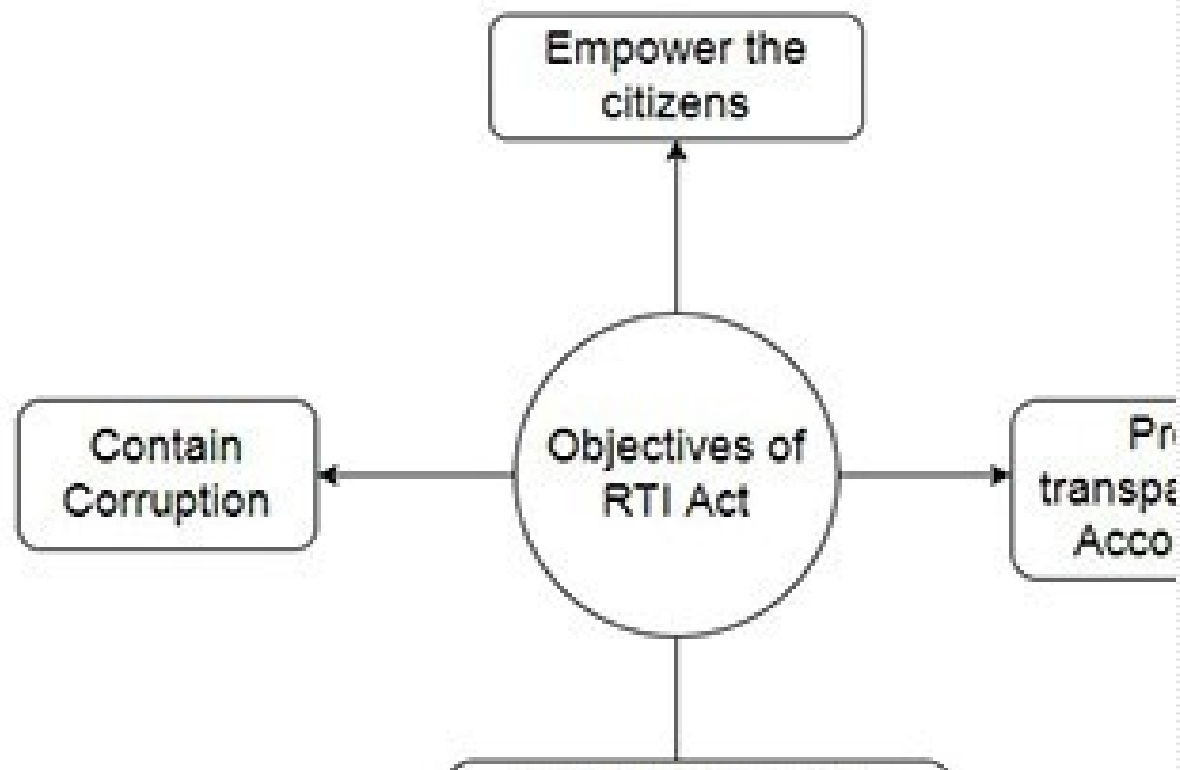
- Section 3 Confers all citizens Right to Information in the form of
 - record as defined
 - in section 2(i) of RTI Act which include, any document manuscript
 - ~~and file any Micro Film,~~
 - Microfiche, and facsimile copy of the documents.
 - Section 2(j) of RTI Act defines Right to Information which means
 - the information accessible
 - under this Act which is under the control of public authority and
 - includes Right to inspection of
 - work, document, records, taking notes, extracts or certifies copies
 - of documents or records, taking
 - certified sample of material or obtained in information of any form.
 - Section 4(1)(a) Cast a statutory duty on every public authority to
 - maintain all records and computerized it.
-

Objectives of session:

By the end of the sessions we will be able to:

- Differentiate responsibility and liability
 - Explain importance of RTI Act
 - Identify the exemptions under the Act
 - List the time limits for response
 - Clear the doubts through case studies
 - Describe the Do's and Dont's
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OBJECTIVES OF RTI ACT

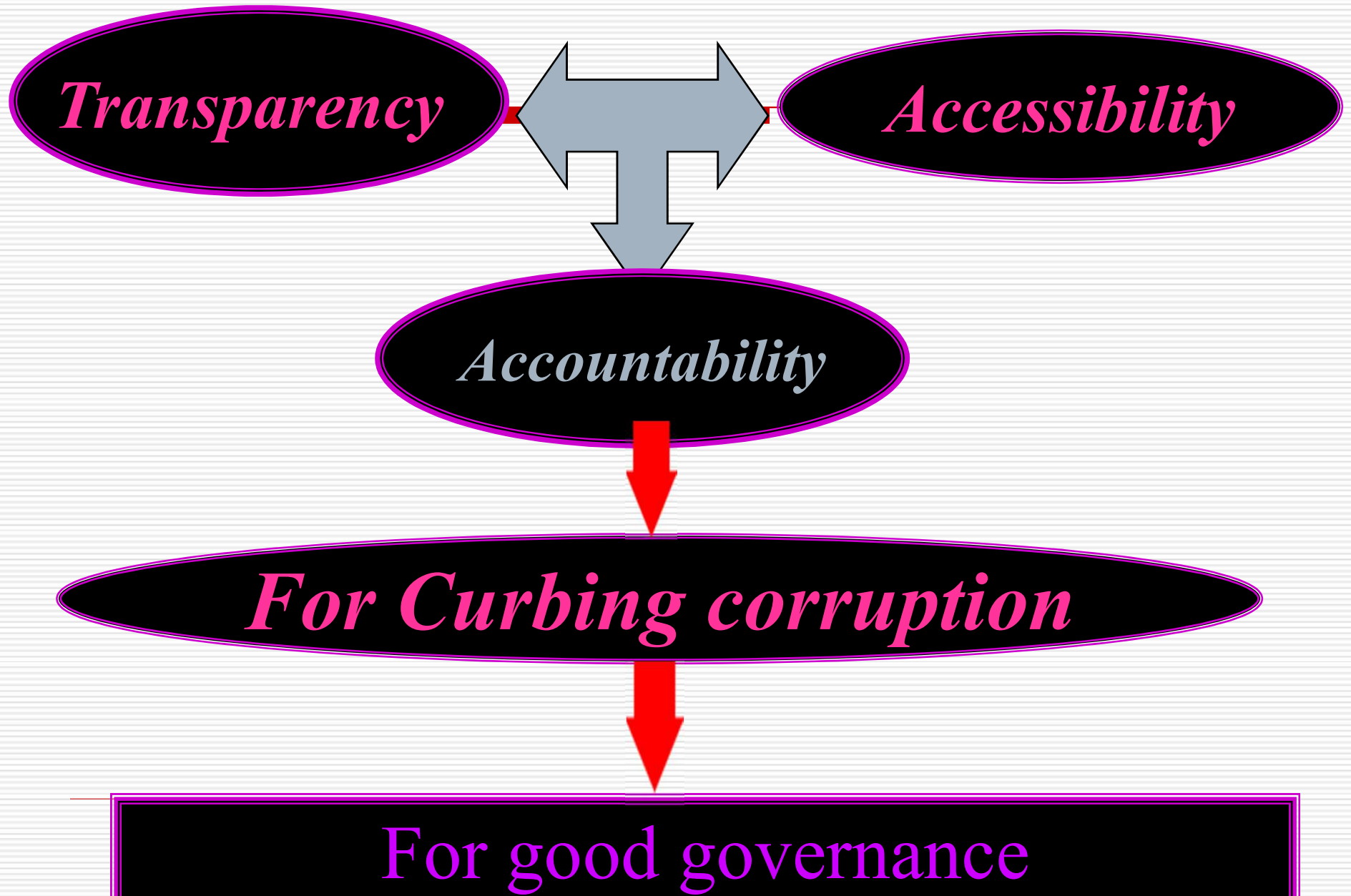


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- ❑ The RTI Act-2005 is a landmark legislation, provides Indian citizens a right to access information, ordinarily under the control of governmental authorities at the federal, state & local body level.**
 - ❑ This Act consisting total 31 Sections bifurcated into 6 chapters, covers the mandatory provisions, rights of the citizens, duties of the public authorities and two tier remedial measures.**
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Some questions to ponder !

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- Is there a need to watch the "Watch men" ?
 - If so , can RTI Act be used as "Watch dog"?
 - Is RTI Act, an invasion in "Official secrecy"?
 - Is provisions of RTI ,an extension to provisions of 'whistle blower' ?
 - Are records required to be preserved for longer periods?
 - Does RTI Act give any new power ?
 - Has Railway became overburdened due to RTI ?
 - Is implementation of RTI an unnecessary drainage of Pubic money?
 - Is "responsibility" of PIO under RTI Act , actually a " liability" ?
-

Aim of the Act



What is Information?

-
- Information means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force -Section 2(f)
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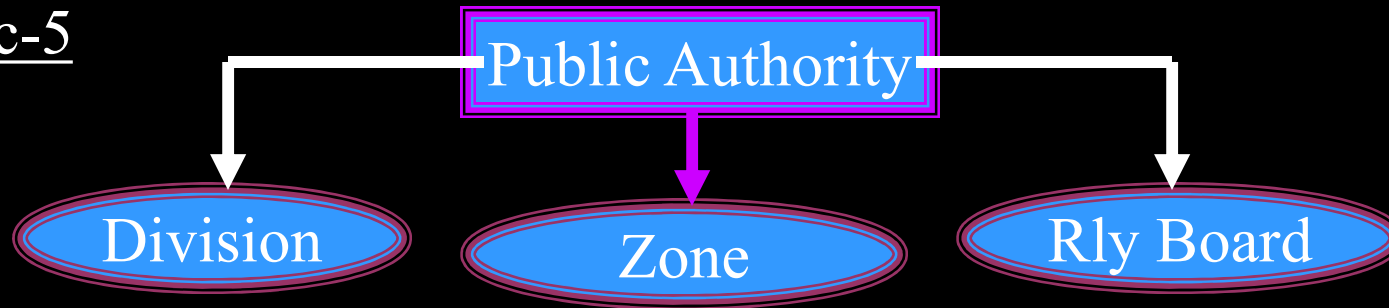
WHAT IS THE RIGHT OF INFORMATION ?

Sec(2)(j)

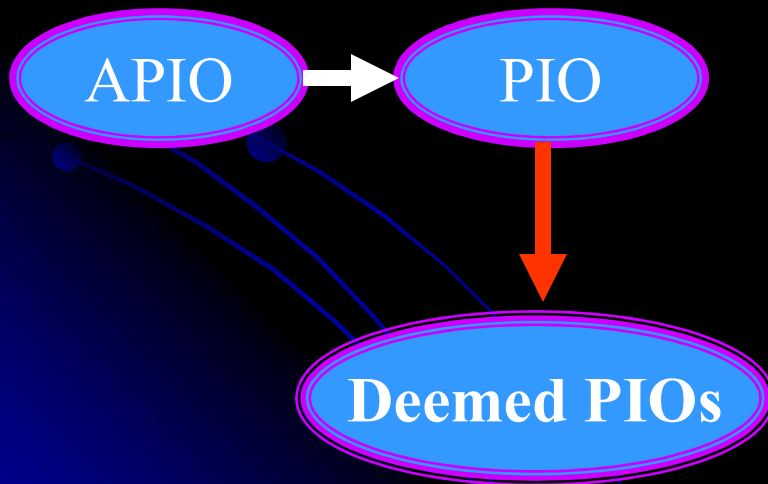
1. inspection of work, documents, records;
 2. taking notes, extracts or certified copies of documents or records;
 3. taking certified samples of material ;
 4. obtaining information in the form - electronic mode .
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Appointment of PIO & APIO

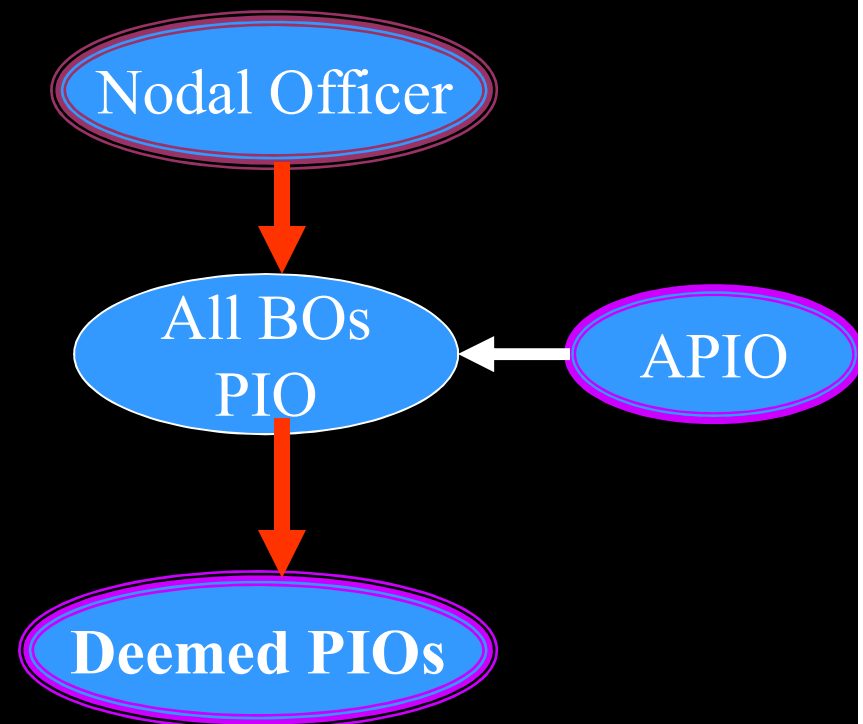
Sec-5



1st model



2nd model



Section- 6

FEE- STRUCTURE

RTI (Regulation of
Fee& Cost) Rules-2005

Inspection of
document
= No fee 1st hour
Rs.5/hr. there
after

Mode of fee:
To A/o of Public
Authority,
By cash,draft,
postal order,or
by bankers cheque.

Information
(Electronic
Form) = Rs.50/
Diskette or
Floppy .

Initial Fees Rs. 10/-

Certified
Copy of
Documents =
Rs.2 /copy

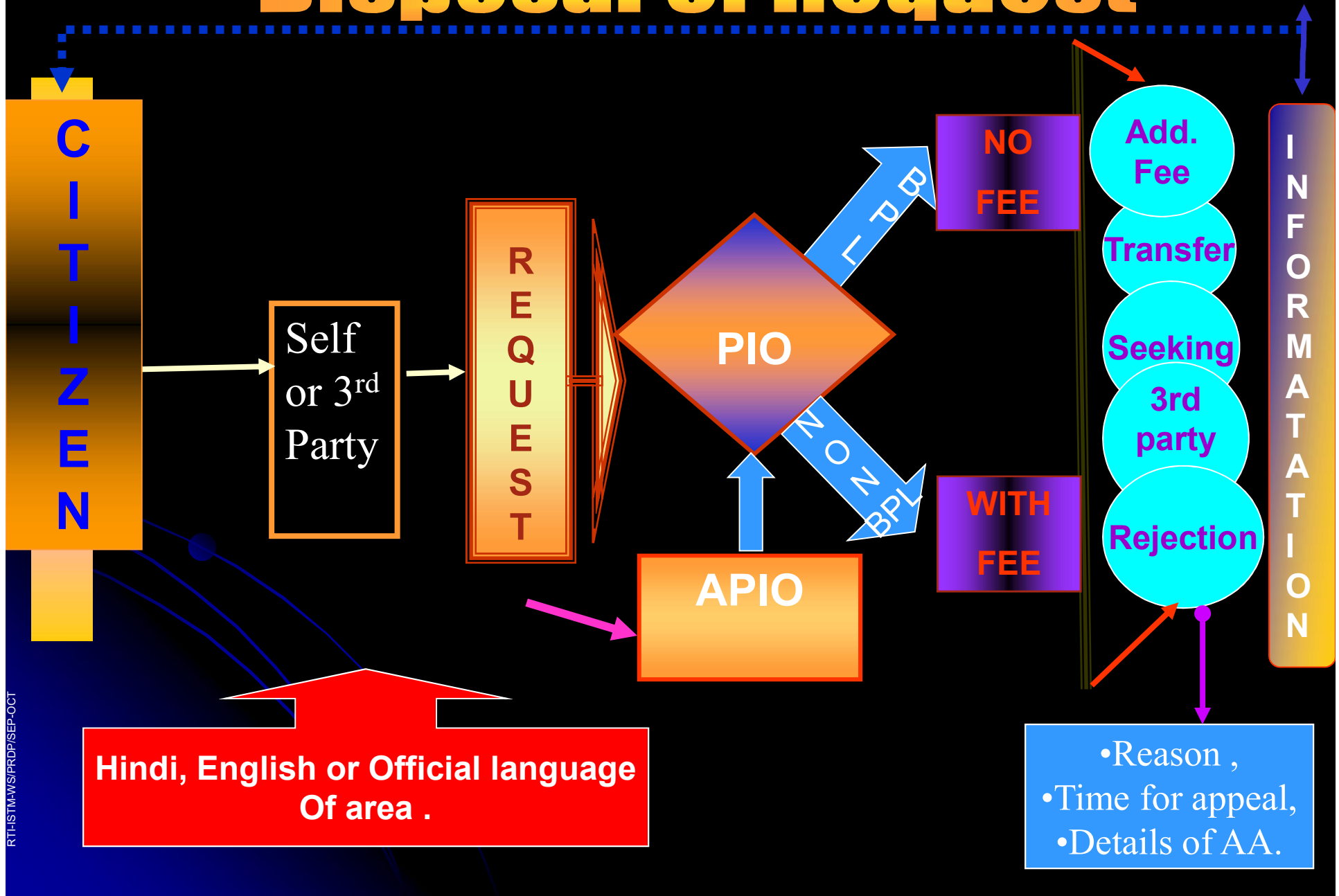
** With transfer of
application , fee is
not required
to be transfer.*

Certified
Samples of
material =
Actual Cost

No fee:
- From BPL,
- on delay,and
-Inspection of work.

Section: 7

Disposal of Request



Third party Information under RTI

- Third party means a person other than citizen making a request for information and includes a public authority.[Sec:2(n)]
- Right of hearing of third party .[Sec:11]

3rd party information

Information in
Fiduciary
relation ship



Personal
information

Time Frame : Disposal of Request



Exemptions from disclosure of information (section-8)

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- (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen—
- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
 - (b) Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
 - (c) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
 - (d) Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
-

Contd.. Section-8(1)

- (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;
 - (f) Information received in confidence from foreign government;
 - (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;
-

Contd...Section -8(1)

- (h) Information which would impede the process of investigation or apprehension or prosecution of offenders;
- (i) Cabinet papers including records of deliberations of the council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

Contd... Section 8(1)

- (j) Information which relates to personal information the disclosure of which has not 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:

Provided that the information, which cannot be denied to the Parliament or a state legislature shall not be denied to any person.

Section-8(2): Nullity of Exemptions

- Notwithstanding anything in the official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

Section-8(3)

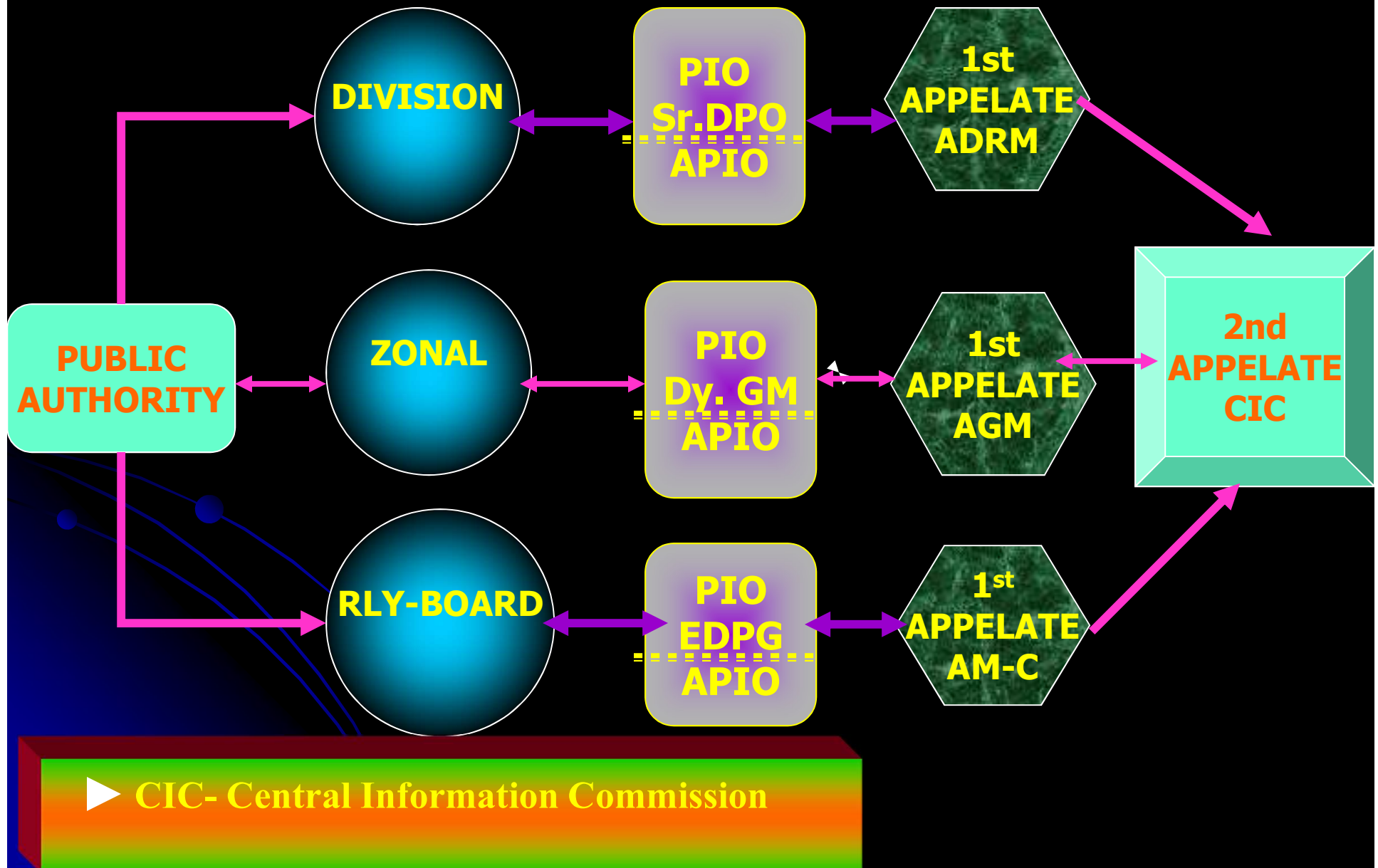
Subject to the provision of clauses (a), (c) and (i) of sub section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

Section-9 (Further Exemptions): Ground for rejection to access in certain cases.

Without prejudice to the provisions of section 8, a Central Public Information Officer or State Public Information Officer, as the case may be reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

PIO & APPELATE AUTHORITIES



भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
रेलवे बोर्ड RAILWAY BOARD

No. RB/RTI/2023/Policy/1

New Delhi, Dated 28.12.2023

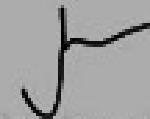
1. General Managers
All Zonal Railways, PUs etc.
(as per standard mailing list)
2. Divisional Railway Managers,
All Railway Divisions

Sub:- Implementation of provisions of RTI Act, 2005.

Under the provisions of RTI Act 2005 and subsequent instructions issued from Railway Board, officers on the Zonal Railways and other Units on the Railways have been designated as Public Information Officers to handle RTI applications and supply the information in response to RTI applications.

2. It has been recently observed that quality of replies to the RTI applications being handled on the Zonal Railways and other field units has deteriorated and timelines for disposal of RTI applications is surpassed in many a cases with the result that a large numbers of first appeals and second appeals are respectively filed before the First Appellate Authority (FAA) and CIC thereby increasing the quantum of work and bringing disrepute to the Organization.

3. In order to address the above situation on the Zonal Railways, it has been decided that timelines for disposal prescribed in the RTI Act 2005, should be adhered to and to maintain the quality, replies to all RTI applications shall be approved respectively at the level of General Manager on the Zonal Railways and DRM in the Divisions. Similarly, replies to first appeals received under the RTI Act need to be shown to the concerned GM and DRM.



(Milind K. Deouskar)
Secretary, Railway Board

“In order to address the recent decline in the quality and timeliness of responses to RTI applications, it has been mandated that General Managers of Zonal Railways and Divisional Railway Managers shall personally oversee the approval of responses. Moreover, replies to first appeals under the RTI Act will require the endorsement of the respective General Managers and Divisional Railway Managers,”

The move aims to streamline the RTI application process, ensuring that the prescribed timelines for response disposal, as outlined in the RTI Act, are strictly adhered to. The directive seeks to prevent a surge in first appeals and subsequent appeals to the First Appellate Authority and Information Commission, ultimately upholding the integrity of the organization and its commitment to transparency.



मध्य रेल
CENTRAL RAILWAY

महाप्रबंधक कार्यालय, जनसूचना विभाग(मुख्यालय), छ.शि.ट., मुंबई 400 001
General Manager's Office, RTI Cell (HQ) CST, Mumbai - 400 001

No. CAIL/R/E/23/03684, CAIL/R/T/23/01551, 01553
01562, 01570, 01575

Date: 21.12.2023

✓
[Redacted]
Near Hanuman Mandir, Gopal Nagar, Badnera Road, Amravati,
Maharashtra, Pin-444706

Sub: Information under RTI Act, 2005.
Ref: Your RTI application dated 29.11.2023 /30.11.2023.

This has reference to your RTI application cited above wherein you have sought information related to 3D selfie booths or 3D selfie points installed or erected at various railway stations across Central Railway.

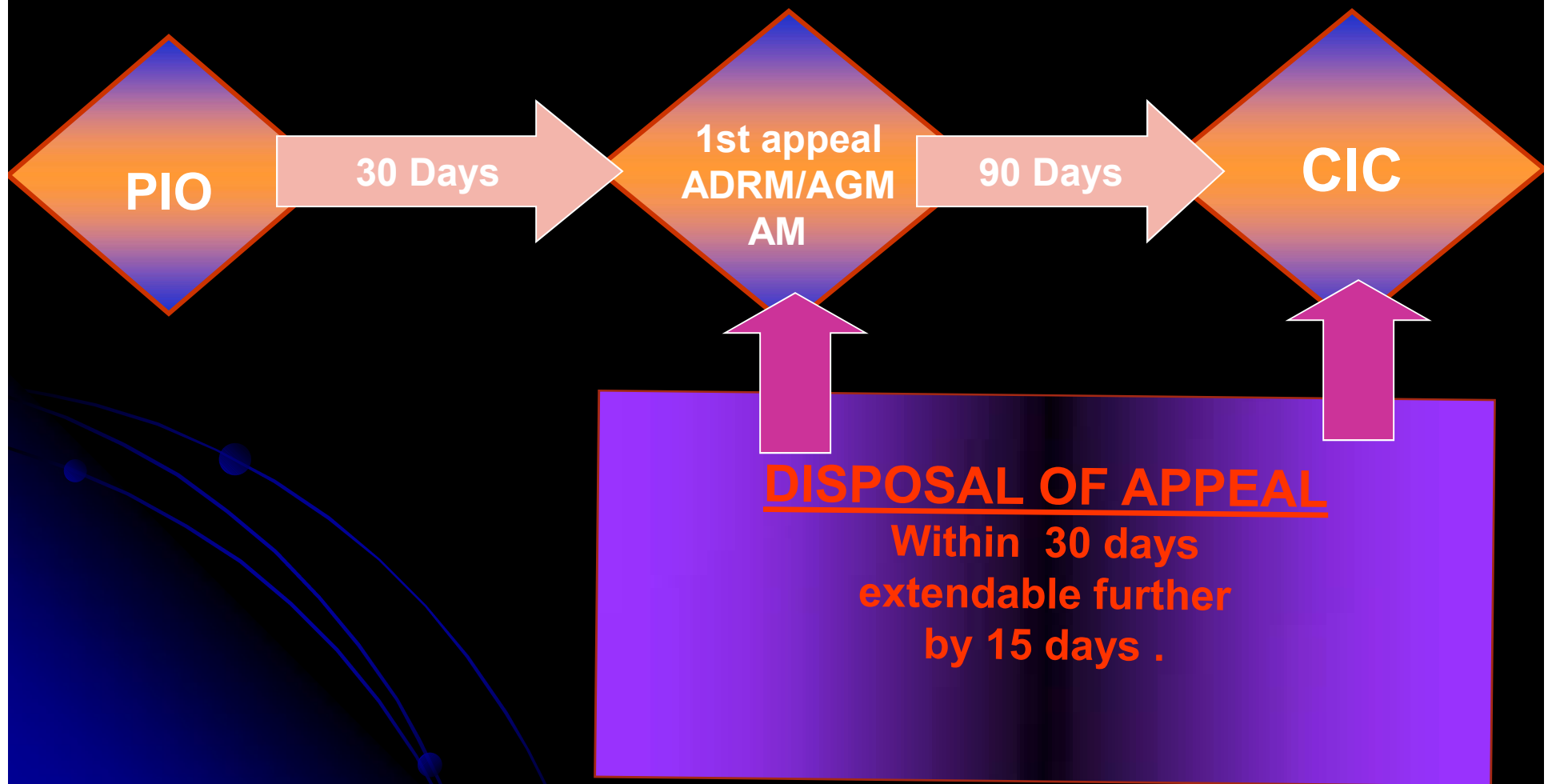
Sr.No.	Item	Remarks
1.	Names of stations across Crly where 3D selfie Booths or 3D selfie Points of PM Narendra Modi installed or erected.	<p>Mumbai Division: Temporary Installations: CSMT, KYN, GC, TNA, CLA, DI Permanent Installations :KJT,KSRA,LNL,IGP</p> <p>Bhusaval Division: Temporary Installations: NK,JL, MMR, AK, BAU, CSN Permanent Installations: BSL, AMI, SEG, KNW</p> <p>Nagpur Division: Temporary Installations: NGP,BETUL,WR,CD,PLO,DMN Permanent Installations: SEGM,BPQ,AJNI,AMLA</p> <p>Pune Division: Temporary Installations: PA, KOP,SVJR,KK,CCH, KRD Permanent Installations: STR,MRJ,HDP,SLI</p> <p>Solapur Division: Temporary Installations: SUR,KLBG, ANG,PVR,KWV,UMD Permanent Installations: LUR, SNSI, KPG, DD</p>
2	Amount spent or Cost incurred for erecting or installing each 3D Selfie Booths or Selfie Points of PM Narendra Modi across Railway station on Central Railway.	<p>Central Bureau of Communication has approved the L1 rates for 3D selfie/Photo Booths as under :</p> <p>For Category A stations Temporary installation: Rs. 1,25,000 (exclusive taxes) for each installation.</p> <p>For Category C stations Permanent installations: 6,25,000 (exclusive taxes) for each installation.</p>

In case you are not satisfied with the above, appeal can be made to AGM/Appellate Authority at the address given below within 30 days from the receipt of this letter.

Additional General Manager & Appellate Authority, General Manager's Office,
Central Railway, CSMT, Mumbai- 400 001

(Abhay Mishra)
Dy. General Manager/
Public Information Officer (HQ)

Time Frame : Appeal & Disposal





Central Information Commission



QUANTUM OF PENALTIES u/s 20

- ❖ Penalty of Rs.250 per day up to Rs. 25000 will be imposed over PIO till application taken / information furnished by PIO.
- ❖ Disciplinary action can also be recommended against PIO.
- ❖ Deemed PIO :If assistance has been sought from other officer u/s 5(4), then for any contravention/ delay, other officer shall be treated as deemed PIO.

Right to Information (Amendment) Act, 2019:

Key Changes: Section:13, Section:16 and Section: 27

Provisions	RTI Act 2005	RTI (Amendment) Act, 2019
Term of CIC and ICs (at central and state level)	<ul style="list-style-type: none"> Tenure of 5 years or 65 years of age which – ever is earlier 	Central government will notify the term of office for the CIC and other ICs.
Quantum of Salary	<ul style="list-style-type: none"> The salaries and allowances of CIC and ICs (at the central level) will be equal to the salary paid to chief Election Commissioner and Election Commissioners respectively The salaries and allowances and other terms and conditions of service of the SCIC and SIC shall be same as that of EC and the chief secretary of the state government respectively. Thus, in terms of salaries CIC, IC and SCIC are equivalent to the judges of the Supreme Court 	The Act, provided central government the power to prescribe the salaries and allowances of the commissioners by issuing notification from time to time.
Deductions in Salary	<ul style="list-style-type: none"> The Act states that at the time of the appointment of the CIC and ICs (at the central and state level), if they are receiving pension or any other retirement benefits for previous government service, their salaries will be reduced by an amount equal to the pension 	The Act removes these provisions.

Spirit of Right to Information Act

Every Public Authority to:

- ☐ Provide as much information suo moto to the public at regular intervals through various means of communication including Internet so that Public have Minimum Resort to the Use of RTI Act to obtain Information – Sec 4(2)
 - ☐ For the purpose of Sub-Section 4(1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public - Sec 4(3)
-

IMPORTANT JUDGEMENTS

Significant RTI Verdicts from Supreme Court, High Courts and CIC

Medical Expenses of Judges cannot be revealed under RTI

In the matter of [The Registrar, Supreme Court of India vs Subhash Chandra Agarwal & Ors.](#), {[2015]129 SCL 373 (Delhi)} the Respondent No. 1 who is a noted RTI activist sought details of the funds reimbursed to judges of the Supreme Court on medical expenses. The Delhi High Court ruled against such disclosure. When the Special Leave Petition was presented before the Supreme Court, a three-judge bench, including the CJI, dismissed the SLP in July 2015.

Supreme Court of India in Subhash Chandra Aggarwal vs. Registrar General, Supreme Court of India held that the medical expenses of Judges are not qualified to come within the ambit of the Right to Information Act. **The Apex Court rejected an appeal against Delhi High Court decision which had held that information about doctor's visit expenses of judges and their families can't be revealed being personal information exempted from disclosure under Sec. 8(1) (j) of RTI Act.**

Which information cannot be given in RTI?

The information including commercial confidence, trade secrets or intellectual property, the disclosure of which would ~~harm the competitive positions of the third party~~ {Section 8 (1) (d) & 11} including our suppliers vendors, contractors, purchased and customers may not to be disclosed

What if RTI is not answered?

If the government does not reply to your Right to Information (RTI) application within 30 days, it is considered a violation of the provisions under the Right to Information Act, 2005.

What is the limitation period for right to information?

In normal course information to an applicant shall be supplied within 30 days from the receipt of application by the public authority. If information sought concerns the life and liberty of a person it shall be supplied within 48 hours.

(a) Why is a CCTV footage disclosable under the RTI Act?

Being **a record available in electronic form**, CCTV footage falls under the definition of 'information' under Section 2(f) of the RTI Act. Consequently, [Central Information Commission](#) ("the CIC") too, in its various decisions, held that CCTV footage is an information as per the RTI Act.

In the case of JB Narela, the RTI Applicant had requested for all the CCTV recordings of the ground floor of the Head Post office between 10:00 am to 12:00 pm. CIC opined that, since, video recording is an information, it is the duty of the public authority to provide it, except when its denial is justified under the exemption provisions of the RTI Act[1].

Thus, an RTI Applicant can obtain a CCTV footage by filing an offline or [online RTI Application](#).

(b) CCTV footage and the exemption provisions:

A study of CIC's decisions indicates that the CCTV footage can be withheld under the exemption provisions of the RTI Act, **on the grounds of security and sovereignty of the State, physical safety of an individual** etc.

Thus, when the **CCTV footage of the foot over bridge of Dadar railway station** was sought, it was held to be protected as giving the same may pose threats to the lives and limbs of the public using the stations and trains[2].

Section- 23 (BAR OF JURISDICTION OF COURTS)

Section 23 of the Act cannot erode the jurisdiction given under Article 226 to the High Court and under 32 to the Supreme Court

No court shall entertain any suit, application or other proceedings in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal provided under section 19 of the Act. In other words, the jurisdiction of the court has been ousted by express language. Nevertheless, it is a settled principle of law that despite such exclusions , the extraordinary jurisdiction of the High Court and the Supreme Court, interms of Article 226 and 32 of the constitution, respectively, cannot be divested. It is a jurisdiction incapable of being eroded or taken away by exercise of legislative power, being an important facet of the basic structure of the constitution. *[Namit Sharma Vs. Union of India, W.P.(C)No. 210 of 2012, Supreme Court of India.]*

Section 8(1)d: Exemption to apply for Intellectual Property in certain cases only.

The exemption under Section 8(1)(d) is available only in regard to such intellectual property, the disclosure of which would harm the competitive position of any third party.. The term 'intellectual property' refers to a category of intangible rights protecting commercially valuable products of human intellect comprising primarily trade mark, copyright and patent right, as also trade secret rights, publicity rights, moral rights and rights against unfair competition .Question papers, instructions regarding evaluation and solutions to questions (or model answers) which are furnished to examiners and moderators in connection with evaluation of answer scripts, are literary works which are products of human intellect and therefore subject to a copyright. (*The Institute of Chartered Accountants of India Vs. Shaunak H. Satya and Ors*(A.I.R 2011 SC

SECTION 8 (Exemptions)

Mandatory as well as discretionary in nature.

The perusal of the provisions of Section 8 reveals that there are certain informations contained in sub-clause (a),(b),(c),(f),(g) and (h), for which there is no obligation for giving such an information to any citizen, whereas informations protected under sub- clauses (d) ,(e) and (j) are though protected informations, but on the discretion and satisfaction of the competent authority, that it would be in larger public interest to disclose such information, such information can be disclosed. These informations thus are having limited protection, the disclosure of which is dependent upon the satisfaction of the competent authority that it would be in larger public interest as against the protected information interested to disclose such information. (*Public Information Officer, Chief Minsiter's Office, Civil Secretariat, Government of U.P Vs State Information Commission and Others.HC of Allahabad,Lucknow Bench*).

Optimum use of limited fiscal resources:

In the case of Sh. Hitesh Kumar Vs Oriental Insurance Company Limited (Decision No. 570/ICPB/2007 F.No. PBA/06/562 dtd 15th June 2007) the appellant sought for copies of documents & various other details in 62 serials covering the entire gamut of functioning of the insurance company.

The respondent while furnishing a copy of the annual report expressed their inability to collect the other information sought for as being voluminous, and is beyond the available fiscal and human resources of the organisation. He also advised the appellant to visit their website where relevant information was available.

Judgment:

Commission was in full agreement with the decision of CPIO and the AA. The information sought for is so voluminous covering practically the entire gamut of functioning of the company, that it would definitely cause a lot of pressure on the resources of the company. The appellant is at liberty to ask for specific information which would not cause enormous time and efforts to collect and furnish.

Disclosure of Information in DAR case after completion of Inquiry

- ☐ In the case of Shri R N Meena V/s CPIO/NWR (No.CIC/OK/A/2006/00059, dt: 07-12-06) The appellant sought disclosure of all the papers relevant to his DAR Case.
 - ☐ In this case the required information was not given as the case was not over and disclosure at that stage would have impeded the process of investigation.
 - ☐ On the date of hearing commission observed that as the investigation in Shri R N Meena Case were now over, respondent should provide all the required information and show all the files and documents asked for by the appellant
-

Names of the Informers in the vigilance case should not be disclosed.

- ☐ In the case of Shri T.A. Khan V/s PIO NER (Appeal No. CIC/OK/A/2007/00044 dt: 21.05.07) The appellant sought information of the photocopy of the preventive check report of vigilance in his case.
 - ☐ The Railways clarified that two stages of DAR Inquiry were over and that the party already had gone to CAT over the issue. Railways also informed the Commission that the document if supplied would hamper the investigation.
 - ☐ Moreover, the report contained the names of the informers, the disclosure of which was likely to bring harm to these persons.
 - ☐ The CIC directed the respondents to supply the information to the appellant after concealing the names of the informers'.
-

Information about members of the Vigilance Team may not be disclosed

- ☐ In the case of Dr. K N Gehlot, CPIO/WCR (appeal No. CIC/OK/A/2006/00294 dt: 15.12.06) The appellant sought detail information about various members of Vigilance team who had visited his office in a vigilance case against him.
 - ☐ The PIO denied the information on the ground that any disclosure of information relating to this inquiry was likely to impede the progress of the case.
 - ☐ CIC agreed that the respondents had rightly denied the information to the appellant.
-

Personal Information & Secrecy u/s 8

- A case of Wife of Railway employee :
 - A medical report relating to wife of a Rly employee was sought
 - Denial of disclosure to third person other than husband of lady as was personal information,
 - No objection from husband, again denied by CPIO & 1st appellate authority,
 - [S.C.Maheswary case (CIC-2006/252)]
-

A case of an MLA

-
- A MLA on surrender sent to jail,
 - Within two days, on account of suspected heart ailment shifted to JJ Hospital,
 - An information was sought regarding his ailment,
 - Objection – Personal information, bar under IMC (Professional conduct , Etiquette and Ethics) Regulations -2002,&not hearing of 3rd party,
 - HC directed to disclose subject to hearing of 3rd party (MLA);
 - [Surup Singh Hrya Nayk Vs State of Mah/Air 2007 Bombay 121]
-

Secrecy of Medical bills & Prescriptions

- ☐ Medical bills, which identify ailments, prescription etc. are personal information and exempted from disclosure u/s 8(1)(j).
 - ☐ Expenditure on treatment from govt. fund is not personal information and will be disclosed.
 - ☐ If one bill contains both name of ailments and fee , it can be disclosed subject to sec-10.
 - ☐ H.C.Verma V/sIOC/999/IC(A)/2007 dt.06.07.07
-

Disclosure of stock register of medicine & money available for local purchase

- ☐ A lady was admitted in Guru Teg Bhadur Hospital, New Delhi. Even though she, belongs to BPL, she was asked to purchase the medicines from out side the hospital, while medicine should be supplied to her free of cost.
 - ☐ She had asked from hospital to supply the stock registers of the medicines that they were asked to buy from out side of hospital . She also submitted that the MS has power to purchase the medicine of worth Rs. 1.00.000 in emergency.
 - ☐ CIC directed the hospital to provide the information.
 - ☐ Smt. Pushpa V/s Guru Teg Bahadur Hospital/New Delhi-
CIC/PB/C/2008/000304/24.11.08.
-

INFORMATION REGARDING COURT CASE NOT TO BE DENIED UNLESS SPECIFICALLY FORBIDDEN BY THE COURT

- ☐ Case – In the case of Shri Rajesh Supatakar Vs CPIO South East Central Railway appeal No. CIC/OK/A/2008/00398 dated 17th October 2008 the appellant information on four counts relating to payment of wages and regularization of licensed porters in SEC Railway Nagpur.
- ☐ Yes, information can be disclosed which has not been forbidden by the court.

ACR: NOW NO SECRECY

- Transparency in public administration requires that all entries (whether poor, average, fair, good or very good) in the ACR of a public servant whether in civil, judicial, police, or any other state service (except the military) must be communicated within reasonable period so that a person can make the representation for its up gradation.
- Devdutt V/s UOI & others/AIR2008SC1927 (Decided by SC on-12.05.2008).
- Followed by CIC in Hariram v/s UCO Bank-Appeal No-2360-62/ICPB/2008/Dt.02.06.08.

Meaning of Investigation under RTI Act

- The word 'investigation' used in sec. 8(1) (h) includes all departmental inquiries, verification of records, assessment and so on which may be ordered in specific cases. Such inquiries should be taken as completed when disciplinary authority finally decides the innocence or guilt of delinquent. In other words when DAR is finalized.
- CIC/AT/A/ 2006/00039 Dt.1.06.06

Departmental / Vigilance Inquiry & RTI

- In this case, a disciplinary proceeding was initiated against applicant under the Service Conduct Rules. Applicant had requested for information relating to Disciplinary proceeding. It was denied by PIO u/s 8(1)(h) of this Act. CIC decided that, since applicant is entitle to get the copy under the provisions of Conduct rules to prove his innocence. Therefore, it is advised that appellant should submit a list of required information before competent authority. If, the required information/documents are not supplied to him then only, he can approach to CIC.
- [M.K.Gupta Vs. Central Railway-CIC/OK/A/2007/818 , Dt.09 06.2008.]

NO CREATION OF INFORMATION

- Sri P.Rawat of Ajmer/NWR, filed an application seeking reason for his transfer.
- Not satisfied with the reply of PIO & 1st appellate & filed appeal before CIC.
- CIC'ORDER: The transfer order was issued in public interest for which no noting was available. Since no noting was available, same can not be created as such requested information did not come under the definition of information under section-2(f). Only those information could be provided, which exists.
- [Prithwi Raj Rawat v/s NWR/CIC/ OK/A/2007/ 01313/17.03.08.]

NO PENALTY FOR BONAFIED MISTAKE

- There was a delay of 17 days, PIO/NR Smt. Anuradha Singh replied to show cause that due to complete revamping of personal section, there was some logistic problems and also staff dealing the RTI, were under order of transfer. Taking over and handing over of charge took time. As a result, information could not be supplied on time. Commission accepted the plea of PIO and dropped the penalty proceeding .
- Gaya Prasad V/s N.Rly-CIC/OK/A/2006/OO298.

Records have to be preserved for longer period ?

- No such mandate of RTI Act. Records will be preserved as per record retention schedule prescribed by the concerned public authority (Railway Board).
- Govt. of India, Ministry of personnel OM no.1/14/2007-IR Dt.31.10.07.

RTI is not about seeking answers and asking questions [Section 2 (j)]

In the case of Sh. Saidur Rehman Vs CIC

(Appeal No.CIC/AA/A/2006/00032&00034 dt. 22 June, 2007.).

The appellant put the following questions to CIC:-

- (I) As to who is responsible for delay in dispatch of a letter from the office of the Commission.**
- (ii) As to why paragraphs 2 & 3 of the rejoinder submitted by him in his appeal petition were not taken into account while deciding the matter.**
- (iii) Under which Rule the public authority can demand fee for a document if it has not been supplied within the specified time limit.**
- (iv) Does the Information Commissioner has power to pass an order contrary to the provisions of the RTI Act and if there is no such power then why the order passed in the aforesaid appeal case be not recalled.**

Judgment: In this case the CIC has given a crucial decision that the RTI is not about seeking answers or asking questions.

Motive of person in seeking the information is not to be explored Sec (6.2)

- In the case of Sh. A.S. Lall Vs. Jt. Commissioner of Police & Appellate Authority (F.No. CIC/AT/A/2006/00075 dt. 2nd June 2006) the applicant sought among other thing copies of licence for certain reference and also the dates of inspection carried out by the Delhi Police. The respondents went into the motive for asking these information for deciding about the response. This issue was examined by the Commission and have clearly rejected the procedure of exploring motives.

“There is no merit in the argument that a restaurant-business is a private matter of its owner, or that it is a matter between the police as the licensing authority and, the restaurant-owner, in which no citizen will, or can, have any interest. Such an interpretation of the law will only help encourage those who tend to benefit from violating laws rather than complying with them.”

“We reiterate that in issuing a license for carrying out a defined public activity or business, the licensing authority discharges a public function. Such a function is not a privileged relationship between the licensor and the licensee, it involves the public. It is hereby directed that the CPIO shall furnish to the appellant the information.”

Reasons for rejection of requests for information must be clearly provided (Section 8(1) of the RTI Act)

In the case of Dhananjay Tripathi vs. Banaras Hindu University (Decision No. CIC / OK / A/ 00163, dated 7.7.2006), the applicant had applied for information relating to the treatment and subsequent death of a student in the University hospital due to alleged negligence of the doctors attending him.

The appellant was, however, denied the information by the PIO of the University saying that the information sought could not be provided under Section 8(1)(g) of the RTI Act. No further reasons as to how the information sought could not be provided under the RTI Act was given.

Judgment: The Commission held that quoting the provisions of Section 8(1) of the RTI Act to deny the information without giving any justification or grounds as to how these provisions are applicable is simply not acceptable, and clearly amount to malafide denial of legitimate information.

The public authority must provide reasons for rejecting the particular application.

The Commission further held that not providing the reasons of how the application for information was rejected according to a particular provision of the Act would attract penalties under Section 20(1) of the Act.

Documents pertaining to the on going CBI case

(Sections 8(1)(e) and 8(1)(h)/RTI Act)

- In the case of A.L. Motwani vs. the CPIO, ITI Limited, Bangalore (F.No. CIC/AD/A/2009/000109, dated 10.02.2009), the applicant had sought documents pertaining to the on going CBI case.
- Judgement: CIC allowed the appeal and directed ITI Limited to provide the information sought by the appellant.
- It ruled that since the charge sheet has already been submitted and the case is in progress in the CBI Court, disclosing the documents asked for cannot in any way impede the investigation process. The documents asked for by the requestor also do not form the part of Court record and there is also no order of CBI Court restraining the public authority from disclosure of information. Accordingly the provisions of Section 8(1)(e) and 8(1)(h) are not attracted.

Copy of SP, CBI's report

(Sections 8(1)(g), 8(1)(j), 8(1)(h) and 10 (1) of the RTI Act)

- In the case of D.P. Maheshwari vs. CBI (Appeal No. CIC / WB / A /2008 /0269 and 270, dated 25.8.2009), the appellant sought the copy of the SP, CBI's report. In response to the application, SP, CBI responded that SP's report is an confidential document and hence exempted under 8(1)(h) of the RTI Act.
- CBI also took the plea that the SP's report being sought is connected to the high profile scam in the State of Bihar amounting to Rs.200 crores.
- **Judgement:** The plea of exemption under Section 8(1)(j) cannot be applied as the appellant is asking for information about his own case. Even if the report contains personal information about others, the principle of severability under Section 10(1) can be applied. The Commission agreed that disclosure of complete report may impede the process of investigation and amount to invasion of privacy of the persons mentioned in the report. As such Section 8(1)(g) is applicable. However, since the appellant is not the accused the information regarding him can not be held to be such as to impede the process of investigation or prosecution.
- *Accordingly part of information exonerating the appellate may be provided as per Sub Section 1 of Section 10 of the RTI Act.*

Copies of the Confidential Reports

(Section 8(1)(j) /RTI Act)

- In the case of N. Krishnamoorthy vs. MTNL, Mumbai (F.No. CIC/AD/A/X/2009/000154, dated 24.3.2009), the applicant had sought the copies of his own CRs (reporting and reviewing parts) for the 10 years spanning from 1998 to 2008 along with the copies of the certificates regarding completion of CR work and forwarding letters of the applicant's CR.
- **Judgement:** The CIC mandated for disclosure of information sought. The Commission referred to the full bench decision of CIC passed vide Order dated 19.02.2009 in appeal No. CIC/WB/A/2007/00422 concerning disclosure of ACRs and also referred to the Supreme Court's decision in Devdutt vs. Union of India [Ors (2008)8 SCC 723] and decided that the complete information sought by the appellant, meaning certified copies of ACRs shall be provided.

Information relating to empanelment of officers as approved by ACC for promotion to the higher posts

(Sections 8(1)(e), 8(1)(i) and 8(1)(j) /RTI Act).

- In the case of Ms. V. Chamundeswari vs. Department of Revenue Appeal No. CIC/AT/A/2009/000277, dated 5.3.2009), the applicant had asked for the list of officers who were empanelled as members in Central Board of Excise and Customs. The public authority refused the information on the plea that it was prepared by the DOPT with the approval of ACC and classified as secret and confidential in nature and claimed exemption under Section 8(1)(e), 8(1)(i) and 8(1)(j) of the RTI Act, 2005.
- **Judgement:** Commission in its decision stated that empanelment process and approved list of empanelled officers are by no stretch of imagination, personal information of any third-party. Empanelment is a system established by the government to make informed choices about appropriate officers to man higher positions and thus it is related to governance. Commission also overruled the claim of fiduciary relationship and rejected application of exemption under Section 8(1)(e).
- In Para 21 of the decision, Commission mentioned that the Government has removed all secrecy from the approved panels of IAS and IPS officers and accordingly panels of IRS officers should also follow the same policy. Commission accordingly ordered for the disclosure of the information.

Evaluated answer sheets

(Sections 2(n), 8(1)(g) and 11(1) of the RTI Act, 2005 and Section 124 of the Indian Evidence Act).

- In the case of **Sh. Ashok Kumar Arora vs. IIT, Roorkee** (Appeal No. CIC/80/A/2009/00124, dated 29.05.2009), the applicant is the father of an unsuccessful candidate who took the IIT examination in the year 2008. He wishes to have access to the evaluated answer sheets in order to satisfy himself with the quality of the evaluation process. Respondents declined to disclose the information citing Section 8(1)(g). They pointed out that the IIT entrance examination was a mass examination and disclosing evaluated answer sheets will virtually crash the system.
- **Judgement:** The full bench decision of the Commission dated 23.4.2007 made a distinction between mass examination and examinations like Department tests conducted by public authority with a limited scope and range and it was emphasized that while in the latter case, answer scripts can be disclosed, but in the mass examination disclosing answer scripts virtually destroy the system.
- Disclosure of the evaluated answer sheets of the IIT examination was denied by the Commission on the grounds that the Public Authority had announced prior to the conduct of the public examination that the evaluated answer scripts would not be disclosed no matter what the purpose. Accordingly all the stakeholders were aware of the provision before appearing in the examination.
- Commission agreed that there was public interest in non-disclosing of the information, as such disclosures can bring in the entire system of examination under extreme pressure. The Commission also brought out that information may be blocked from disclosure in case the public authority makes out a persuasive case for non-disclosure under Section 11(1) of the RTI Act over and above the exemptions available in Section 8(1).



Frivolous applications not to be entertained

- In the case of S.K. Lal vs. Ministry of Railways (Appeal No. CIC/OK/A/2006/00268-272, dt: 29.12.2006) the applicant had filed five applications to the railway authorities asking for “all the records” regarding various services and categories of staff in the Railways.
- The public authority, however, did not provide him with the information requested.
- **Judgement:** The Central Information Commission observed that though the RTI Act allows citizen to seek any information other than the 10 categories exempted under Section 8, it does not mean that the public authorities are required to entertain to all sort of frivolous applications.
- The CIC held that asking for “all the records” regarding various services and categories of staff in the railways, “only amounts to making a mockery of the Act.”

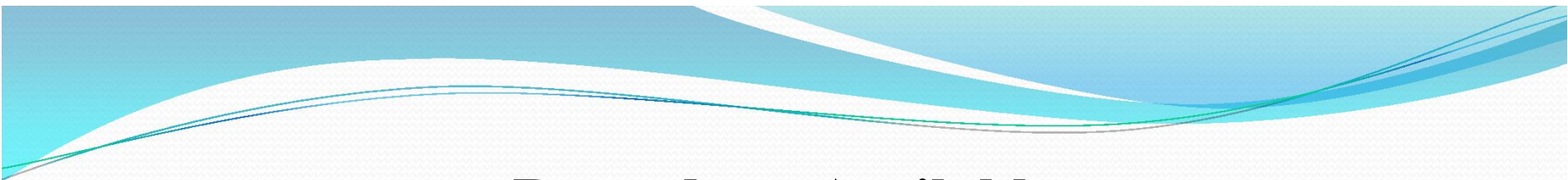


Record not Available

Shri V. M. Sharma v. Northern Railway, Baroda House, New Delhi
(No. CIC/OK/A/2006/00367-368, dtd 5.2.2007)
Bench: Dr. O. P. Kejariwal

Weeded out record: The Commission noted that the records sought, as informed by the respondent, had been weeded out as per the rules

– the Applicant to take up the issue with the department concerned in case he noticed that any record which did not fall under the weeding out rules had also been destroyed.



Record not Available

Shri Jagdish Ahuja, Delhi v. Central Board of Secondary Education, Delhi
(No. CIC/OK/A/2006/00137 dtd. 9.8.2006)

Bench: Dr. O. P. Kejriwal

Poor Records: Details regarding those unaided schools which were being run on private land in Delhi sought – little authentic information available and that is scattered in various files – The Commission held that proper record management is an inherent part of the Right to Information, and so it was important for the CBSE to have its firm database on computer – the Commission directed CBSE to make their record management more systematic and supply the requested information.

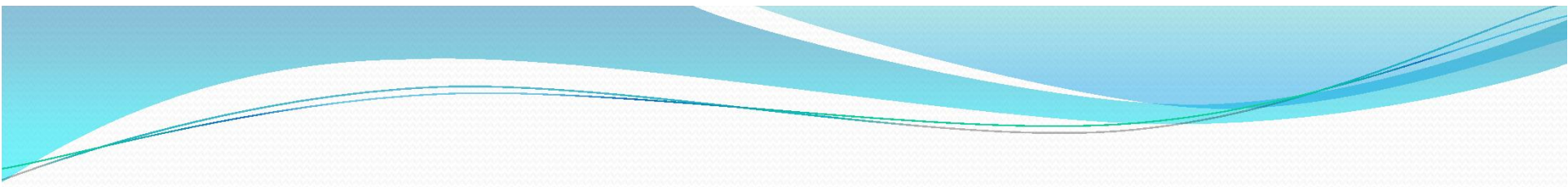


Voluminous Information

Shri S. D. Ramola v. Railway Board
(No. CIC/OK/A/2007/01346, dtd. 3.4.2008)

Bench: Dr. O. P. Kejariwal

Reason for denial: Information relating to the promotion of Personal Assistants and Assistants sought – information denied u/s 7(9) holding that the information asked for was very voluminous spread over 20 years – the Commission did not accept the submission of the Respondents as no details whatsoever had been given for denial of the information – a bland statement to the effect that the information is voluminous will not serve the purpose – the Commission directed the Respondents to disclose the information which is readily available – the Respondents may also ask the Appellant whether he can scale down his demand for information.



Voluminous Information

**Shri Bijay Kumar Das v. South Eastern Railway, Chakradharpur
(No. CIC/OK/C/2006/00149, dtd. 16.3.2007)**

Bench: Dr. O. P. Kejriwal

Loading and unloading of material in the yard: Information regarding loading and unloading of coal, minerals, ballast, etc. in the Birmitrapur Railway Yard of SER sought – the CPIO informed that the information had to be gathered and consolidated from different registers, statements, etc. maintained at that Station – the appellant was requested to visit the office of the Station Manager, Birmitrapur, to see the records in person – the Commission felt that the request was in the interest of the Appellant – however, since the appellant wants the information to be sent to him, the Commission directed the Respondents to do so immediately.



Application for information

**Shri A. Gangopadhyaya v. South East Central Railway,
Bilaspur**

(No. CIC/OK/A/2006/00453, dtd. 2.2.2007)

Bench: Dr. O. P. Kejriwal

Application for Information: The Appellant asked for 20 items of information each of which related to a different department/activity – the appellant was asked to put in separate applications for each of the items of information – the respondents reply upheld by the Commission.



Application for information

**Shri Ajit Gupta v. Delhi Development Authority
(Complaint No. CIC/WB/C/2006/00086, dtd. 9.5.2006)**

Bench: Shri Wajahat Habibullah

Section 5(3): The Commission held that a standard application cannot be mandated – it is to be treated as an easing of processes – its absence cannot be grounds for rejection of an application – it is incumbent upon PIO to render reasonable assistance to person seeking information.



Exemption from disclosure

**Ms. Suchitra J. Y., Bangalore v. Indira Gandhi Centre for Atomic Research,
Kalpakkam**

(Appeal No. CIC/WB/A/2006/00878, dtd. 10.9.2007)

Bench: Shri Wajahat Habibullah

Costs for core fabrication of the nuclear reactor: Details of costs for core fabrication of the nuclear reactor were denied u/s 8(1)(a) on the ground that the disclosure would prejudicially affect the scientific interests of the State – The appellant argued that she was interested in knowing the costs because there were serious doubts regarding the economy of the technology used – The Commission observed that any information regarding costs will indicate what is happening inside the reactor and what are its components – The disclosure of information can have unforeseen ramifications because of the sensitivity in the nature of the project on which the information is sought – Appeal dismissed.



Exemption from disclosure

Ms. Anju Musafir v. Ministry of External Affairs
(No. CIC/OK/C/2006/00177 dtd. 26.3.2007)
Bench: Dr. O. P. Kejariwal

Visa – Section 8(1)(a): The reasons for non-issuance of visa to a French national who wanted to come to teach at the Mahatma Gandhi International School in Ahmadabad demanded – The respondents took refuge u/s 8(1)(a) and stated that it was an established international practice that when a Visa was refused, no reasons were to be given to the applicant – The Commission accepted this submission.



Exemption from disclosure

**Shri Dhirendra Prasad v. Bharat Sanchar Nigam Limited
(Decision No. 3021/IC (A)/2008, dtd. 7.8.2008)**

Bench: Prof. M. M. Ansari

Commercial activities: The appellant asked for details of the franchisees who were given sale rights of SIM cards and Recharge Vouchers, copies of agreement executed, number of SIM cards received and sold and commission received by them – the Commission held that the information pertains to commercial activities of the respondent – upheld the denial of information u/s 8(1)(d).



Exemption from disclosure

**Shri S. C. Agarwal v. Ministry of Home Affairs
(Appeal No. CIC/WB/A/2008/01160, dtd. 29.8.2008)
Bench: Shri Wajahat Habibullah**

Names considered by the Padma Awards Committee for Padma Awards:
The Commission held that it will not be proper if the personal information concerning certain personalities who were recommended but not considered for grant of the Award for any reason, is disclosed and made public – it will surely be at the least a social embarrassment and may amount to invasion of privacy – the disclosure of information, which may be an adverse report from Investigating / Intelligence Agencies, even if this is not spelt out in detail and which is otherwise ‘personal’ and covered u/s 8(1)(j), may not be disclosed unless there is compelling larger public interest justifying such disclosure in a particular case.



Exemption from disclosure

**Shri Abdul Waish Abdul Aziz Shaikh v. Central Railway,
Solapur**

(No. CIC/OK/A/2006/00734 dtd. 3.5.2007)

Bench: Dr. O. P. Kejriwal

Rail Travel: Details of travel by rail by a third person sought from railways – The Commission observed that the information is personal information and hence exempted u/s 8(1)(e) – Further, the information is not available as the concerned reservation forms and charts of period prior to six months had been destroyed.



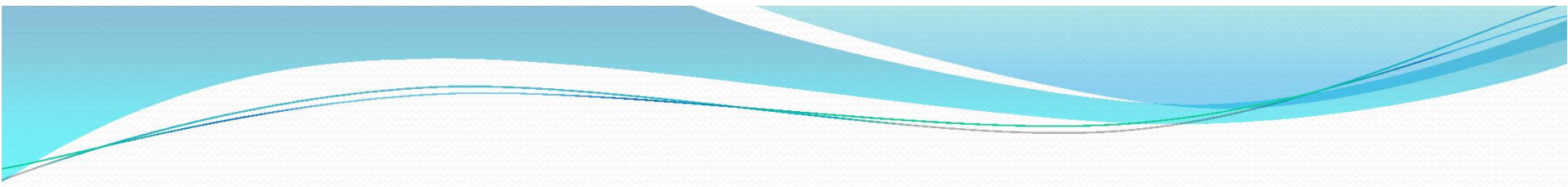
Third Party

**Dr. U. C. Lavania v. Council of Scientific & Industrial
Research**

(F.No. CIC/AT/A/2008/00102, dtd. 8.8.2008)

Bench: Shri A. N. Tiwari

Work report: The work report filled by a Scientist of NBRI, Lucknow for his assessment promotion was sought – the Commission held that there is no reason to seek details of the Research work and the Intellectual Property Rights –related documents of a third-party – there was danger to the third-party's interest in disclosing this information to the appellant.



Third Party

**Smt. K. P. Usha Devadathan, Malappuram
v. State Bank of Travancore
(No. 2370/ICPB/2008, dtd. 2.7.2008)
Bench: Smt. Padma Balasubramanian**

Husband's Pension Papers: The Commission observed that the appellant is seeking information in respect of her husband's pension papers, which cannot be given without his consent.



Service Matters

Shri J. Neelakantan, Tamil Nadu v. Southern Railway
(No. CIC/OK/A/2007/00377, dtd. 20.8.2007)
Bench: Prof. M. M. Ansari

Reasons for non inclusion for promotion: The reasons for non-inclusion of the appellant's name in the list of promoted candidates sought- The CPIO refused the information u/s 8(1)(e) – The Commission held that u/s 4(1)(d) every public authority is expected to “provide reasons for its administrative or quasi-judicial decisions to affected persons” – directed to inform the appellant the reasons for non-inclusion of his name in the list of promoted candidates.

Contd....



Question papers and Model answers:

The appellant asked for copies of question papers along with model answers for CPLG and ATPL Examinations conducted by DGCA –

The Commission observed that the Pilot's License Examination is a professional examination for recruitment of pilots the question bank of which is very limited, about 500 questions, which are frequently repeated in every quarterly examination –

Therefore, the disclosure of question papers for such examinations would enable to qualify the examination without having acquired the requisite knowledge and skills for discharging of professional duties and responsibilities – Lack of adequate knowledge and competence of pilots would endanger the life and safety of people – In view of this, the denial of information, u/s 8(1(d)) is justified.

Service Matters

Shri Bhabaranjan Ray, Kolkata v. Rly. Bd.

(No. CIC/OK/A/2006/00685 dtd. 26.4.2007)

Bench: Dr. O. P. Kejriwal

DPC Proceedings, ACR: The Commission observed that the Department gave proof of its totally negative and casual attitude to the Act by changing the ground from section 8(1)(j) to 8(1)(i)- in the interest of transparency, the Appellant may be disclosed the files / records / documents which led to his being denied promotion to SAG grade from selection grade – There is no reason why the appellant should not shown his own ACRs together with those who had been promoted to SAG in the DPC held in 1998- ACRs by their nature are confidential but on the other hand they are also in the public domain and through an ACR no public authority should unjustifiably either favour or deny justice to a concerned employee.



Service Matters

Shri Ramchandra S. Menon, Mumbai v. IIT, Mumbai
(No. CIC/OK/A/2006/00311 dtd. 28.12.2006)
Bench: Dr. O. P. Kejariwal

Supersession - Disclosure of Service Record: Service record of a colleague was denied as third party information by the respondent- The Commission observed that ordinarily disclosure of the personal service record of a person would be regarded as third party information- In this case, the appellant wanted to see the record of a person who had superseded him- For transparency in Administration, the part of the service record having a bearing on the case of supersession to be shown to the appellant.



Service Matters

Shri G. N. Kumar, Jabalpur v. WCR, Jabalpur
(No. CIC/OK/A/2006/00413-416, dtd. 16.11.2006)

Bench: Dr. O. P. Kejriwal

Proceedings of the Selection Committee: The Commission observed that certified copies of the proceedings of selection committee are completely in public domain – denial u/s 8(1)(j) not tenable as the selection process was already over – The PIO is directed to supply the information to the Appellant applying doctrine of severability as provided in section 10(2).



Examination

Shri R. S. Shukla v. Northern Railway
(Decision No. 1815/IC(A)2007, dtd. 9.1.2008)
Bench: Prof. M. M. Ansari

Marks awarded to candidates: The appellant asked for information relating to marks awarded to the candidates in the departmental examination – the CPIO refused to furnish the information u/s 8(1)(j) holding that the relevant information cannot be disclosed to parties other than the candidates – The Commission accepted the CPIO's contention.



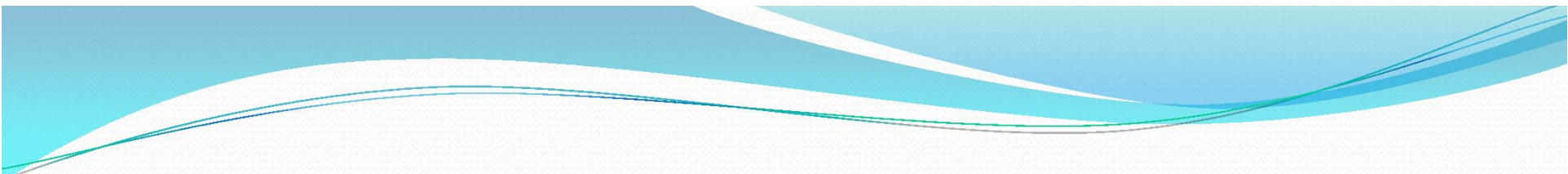
Examination

**Shri Gopal Sharma v. Western Railway, Jaipur
(Appl. No. CIC/OK/A/2006/00479 & 539, dtd. 5.2.2007)**

Bench: Shri O. P. Kejariwal

Marks obtained in nullified examination: Marks obtained by candidates in the examination for promotion were not disclosed on the ground that the procedure was challenged in Court which had ordered to conduct the entire procedure afresh that from the stage of the Interview – The Commission noted that one stage of the process of selection was over and there was no direction from the Court forbidding the disclosure – the Commission directed that the marks obtained earlier in the written examination and the interview should be disclosed.

Important Judgments by CIC on Tender – Contracts



Minutes of the Tender Committee

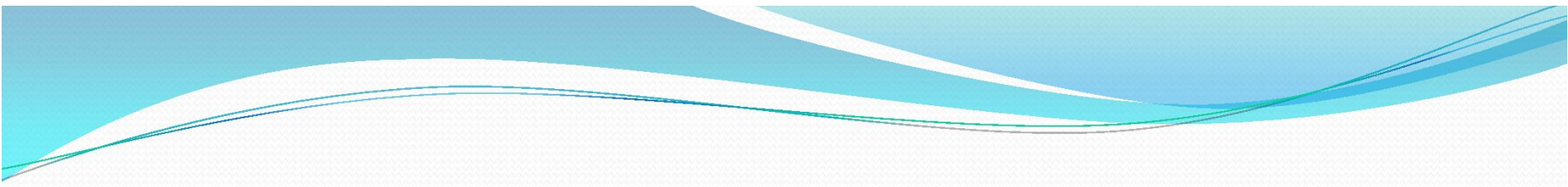
- Case: In the case of Shri Arun Kumar V/s. CPIO Northern Railway, New Delhi (Appeal No. CIC/OK/A/2006/00143 dt. 19.09.06), the Appellant sought information pertaining to the tender committee's recommendation for award of work to M/s HBHL and M/s Arun Construction Co. as well as the notings and correspondence from the files pertaining to this project of the Road Over Bridge (ROB) at Dhaula Kuan, New Delhi. The information was denied to him under section 8(1)(a) of RTI Act, 2005 being the information which would prejudice the economic interest of the State.

Contd..

- CIC directed that the tender committee minutes asked for in his application dated 20.02.06 be made available to the appellant. However, the commission agreed with the Railways that disclosure of file notings and correspondence would not only adversely affect the Economic interests of the Railways but also might affect the commercial information relating to the 3rd Party, which is exempted under section 8(1)(d) of the RTI Act.

Misleading information regarding bill payments

- Case: In the case of Shri Vikas Yadav V/s CPIO Central Railway, Mumbai. (Appeal No. CIC/OK/A/2007/01105 dated 20.12.07), The appellant sought information on the non-payment of his final bill relating to the civil construction work.
- The Appellant has some payment which was due from the Department and had asked for documents relating to this. In his reply, the PIO said that the final bill amounting to Rs. 5,93,342/- was not available in the office. During the hearing, the Respondents stated that the PIO had given this information on the basis of information received by him from the Accounts. It turned out that this information was misleading for the bill was traced to the Engineering Department.



Contd..

- The commission directed the DRM to instruct officials to check up their records thoroughly before giving a reply to the Appellant lest, it prove to be a mistaken one. In the present case, the Accounts Officer would have been held liable for this mistaken reply, but as the records lay in some other department, the Commission warned him that before giving a reply on such sensitive matters as one which related to payments of heavy amounts he should take into consideration the possible Department Sections which could have the information before he gave a definite “NO” to be passed on the Appellant.

Information Regarding Cleanliness & Maintenance of Trains

- Case: In the case of Shri Shaikh Imran Salim V/s CPIO Central Railway, Mumbai (Appeal NO. CIC/OK/A/2008/00170 dated, 29.08.08), The Appellant sought information regarding cleanliness and maintenance of trains, etc. in about 90 stations for over a period of 10 years.

Contd....

- During the hearing, the Respondents submitted that for this work, 68 Contracts had been granted to 43 contractors, They had supplied most of the information, in the first instance and told the Appellant that they were collecting the information regarding the rest, During the hearing, all that the Appellant wanted to know were the terms on which these contracts were given and the names and the addresses of the contractors. On being asked, why he desired this information, he stated that he wanted to enquire whether the contracts were genuine or vague. The commission accepted the submission of the Appellant and directed the Respondents to supply to the Appellant the terms and conditions of these 43 contractors together with their addresses.

Information related to the Arbitration Awards to contractors.

- Case: In the case of Shri Shankar Shetty V/s. CPIO KRCL (Appeal No. CIC/OK/A/2007/00952 dated 16.01.08), the Appellant sought certified copies of 32 documents mostly relating to the construction of Broad Gauge single Line tunnels and also with respect a particular dated 3.09.1991 and dated 03.05.1991 related to the KRCL entered into with other parties.

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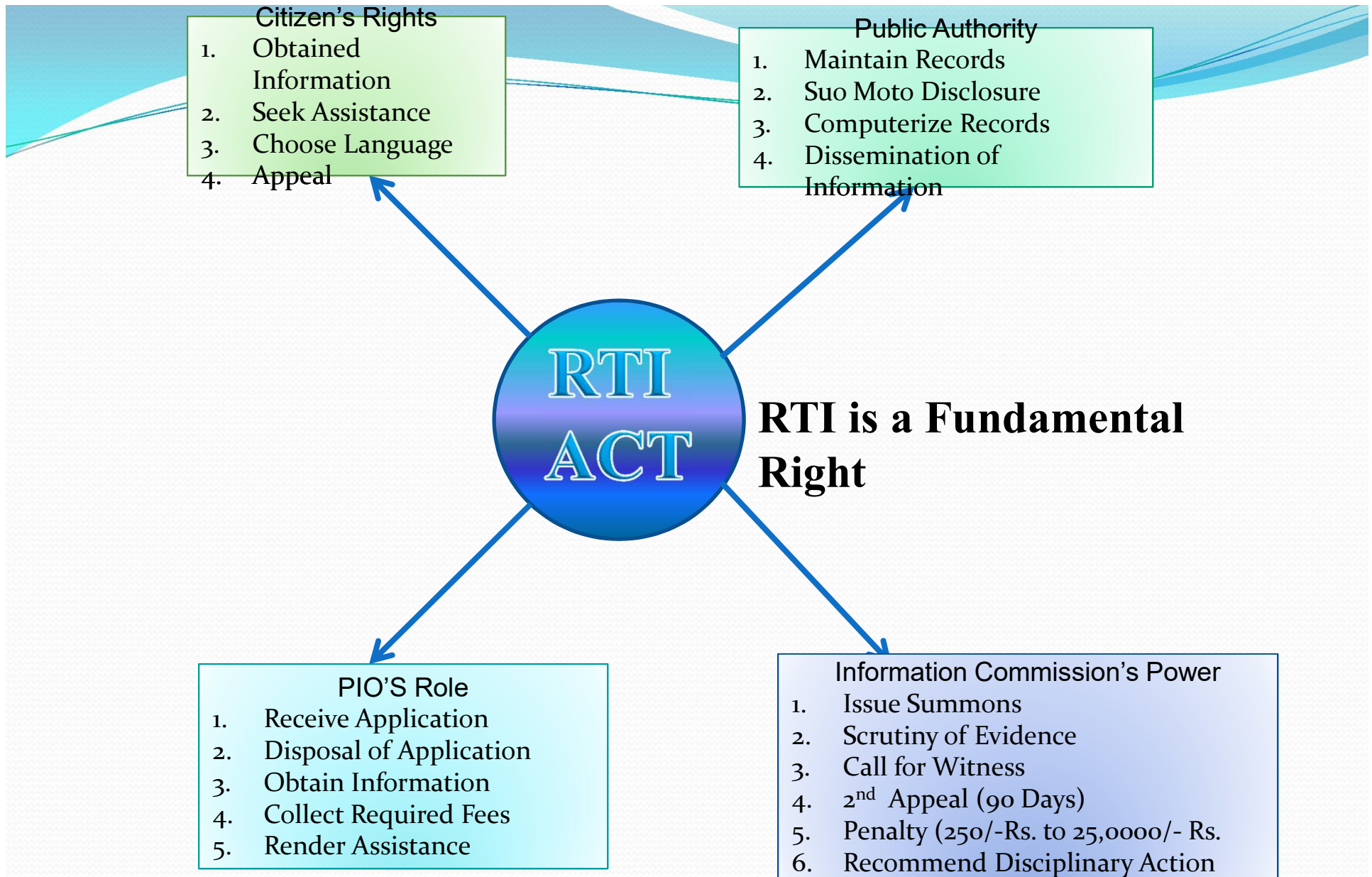
- On going through the list of 32 documents which the Appellant had asked for, the Commission noticed that these consisted mostly of the arbitration awards related to contractors. Since the Awards had already been pronounced, the Commission considered these to be in public domain and saw no rationale for holding back or non-disclosure of these documents/records to the Appellant. The commission directed the Respondents to provide for inspection, all the documents asked for by the appellant and also to provide him photocopies of the documents that he required against payment of the prescribed fee as per the RTI Act.

3rd Party does not have Veto

Appellant: Mr. Vinod Kumar

Respondent: Mr. S. C. Yadav, Public Information Officer, Joint Assessor and Collector;

- The Appellant had sought copies of receipts of payment of house tax in respect of property no. 25 Panna Uddyan, Narela for the period 2004-05 to 2008-09 amounting to Rs.1862- having G-8 no. 147010. The PIO has sought the views of the third party who has objected in giving the copy of the receipt. Based on this the PIO refused to give the copy of the receipt under Section-11.
- The PIO has erred in refusing to give the information *since Section-11 is only procedural section which requires the PIO to inform the third party if he intends giving information which 'relates to or has been supplied by the third party and has been treated as confidential by that third party'.*
- It must be understood that denial of information under RTI Act can only be based on the exemption under Section 8(1) and no third party is given a veto over disclosing information. In the instant case the information being sought was a photocopy of the receipt of payment and there was no requirement to seek any view of the third party. A payment receipt issued by a public authority cannot be considered exempt under any of the provisions of Section 8(1). The PIO is warned to ensure that he denies information only on the basis of exemptions specified under Section 8(1).



Note :

1st Appeal-30 Days, Disposal of 1st Appeal 30/45 Days.

2nd Appeal-90 Days,



THANK YOU

