

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan  
Bhikaji Cama Place, New Delhi-110066  
website:cic.gov.in

Appeal No.:-CIC/CBODT/C/2016/299242-BJ

Complainant : Mr. Radha Raman Tripathy,  
Respondent : CPIO  
Department of Income Tax  
Hazaribagh  
Date of Hearing : 11.08.2017  
Date of Decision : 11.08.2017

Date of filing of RTI applications	01.06.2016
CPIO's response	29.06.2016
Date of filing the First appeal	Not on Record
First Appellate Authority's response	Not on Record
Date of diarised receipt of second appeal by the Commission	18.08.2016

**ORDER**

**FACTS:**

The Complainant vide his RTI application sought information regarding the number of complaints filed under Section 18 of the RTI act, 2005 during the period from 01.07.2015 to 31.05.2016.

The CPIO and JCIT, Range- 01 and 02, Hazaribag, vide its letter dated 29.06.2016, denied disclosure of information on 11 applications of the Complainant under Section 8 (1) (j) of the RTI Act, 2005 on the ground that information was sought for narrow private interest and no larger public interest was going to be served with its disclosure. Dissatisfied by the response of the CPIO, the Complainant approached the Commission

**HEARING:**

**Facts emerging during the hearing:**

The following were present:

**Complainant:** Mr. Radha Raman Tripathy in person;

**Respondent:** Mr. Sanjiv Kumar Roy, JCIT through VC;

The Complainant reiterated the contents of his RTI application and stated that the information sought was denied unjustifiably and that the CPIO made irrelevant, unwarranted and personal remarks about the information seeker. It was argued that penalty may be imposed and that disciplinary proceedings may be instituted against the CPIO. In its response, the CPIO submitted that his predecessor had already given a reply dated 29.06.2016 as a part of consolidated reply related to many such RTI applications. Further, it was explained that the information was not maintained in the O/o JCIT but it could have been obtained from the concerned Assessing Officers (AOs). He assured that in future, they would ensure that the information of such nature as compiled could be made available to the information seekers.

The Commission noted that a similar case had been adjudicated in Complaint No.:- CIC/CBDDTD/C/2016/299256-BJ dated 21.07.2017 wherein the Commission had directed the then CPIO Mr. P.K Mondal, now posted as JCIT,TDS (in charge of Dhanbad and Ranchi) to show cause why penal action should not be taken against him under the provision of Section 20(1) of the RTI Act, 2005 for this misconduct and negligence within a period of 20 days from the date of receipt of that order under intimation to the Complainant.

As regards the subject matter of the RTI application under consideration in the present matter, the Commission was appalled to learn that exemption under Section 8 (1) (j) of the RTI Act, 2005 was claimed by the Respondent on queries pertaining to generic information relating to the total number of RTI Applications and Complaints filed under Section 18 of the RTI Act, 2005 and no personal details of a third party were sought.

In this context, the Commission referred to the decision of the Hon'ble High Court of Kerala in Treasha Irish v. The CPIO and Ors. WP (C) No. 6532 of 2006 dated 30.08.2010 wherein it was held as under:

*“23. There is no provision anywhere in the Act to the effect that information can be refused to be disclosed if no public interest is involved. Of course in a case of personal information, if it has no relationship with any public activity or interest, the information officer has discretion to refuse to disclose the same, if the larger public interest does not justify disclosure of such information. But on the ground of lack of public interest involved alone, the public information officer cannot refuse to disclose the information, without a finding first that the information is personal information having no relationship to any public activity or interest.”*

The Commission felt that the conduct of the Respondent was such which exhibits utmost disrespect to the RTI Act, 2005 more so for the reason that the queries related to number of RTI applications and Complaints filed with the Public Authority which should be suo motu disclosed in compliance with Section 4 of the RTI Act, 2005. Furthermore, as per Section 25 (3) (a) of the RTI Act, 2005, each Ministry/ Department shall prepare a report and provide the information to the Central /State Information Commission as the case may be and state the number of request made to each Public Authority. Therefore, it can be concluded without any ambiguity that information sought cannot be classified as being exempted under Section 8 (1) (j) of the RTI Act, 2005.

The Commission referred to the judgement of the Hon'ble Supreme Court of India in SLP(C) NO. 7526/2009 (CBSE & Anr. Vs. Aditya Bandopadhyay & Ors) in the context of suo-motu disclosure of information wherein it was observed as under:

*“37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under Clause (b) of Section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption”*

Similarly, the Hon'ble Delhi High Court ruling in WP (C) 12714/2009 Delhi Development Authority v. Central Information Commission and Another (delivered on: 21.05.2010), wherein it was held as under:

*“16.It also provides that the information should be easily accessible and to the extent possible should be in electronic format with the Central Public Information Officer or the State Public Information Officer, as the case may be. The word disseminate has also been defined in the explanation to mean - making the information known or communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet, etc. It is, therefore, clear from a plain reading of Section 4 of the RTI Act that the information, which a public authority is obliged to publish under the said section should be made available to the public and specifically through the internet. There is no denying that the petitioner is duty bound by virtue of the provisions of Section 4 of the RTI Act to publish the information indicated in Section 4(1)(b) and 4(1)(c) on its website so that the public have minimum resort to the use of the RTI Act to obtain the information.”*

Also, the Hon'ble Supreme Court of India in the decision of *R.B.I. and Ors. V. Jayantilal N. Mistry and Ors*, Transferred Case (Civil) No. 91 of 2015 (Arising out of Transfer Petition (Civil) No. 707 of 2012 decided on 16.12.2015, while dealing with significance of free flow of information had stated as under:

*“The ideal of ‘Government by the people’ makes it necessary that people have access to information on matters of public concern. The free flow of information about affairs of Government paves way for debate in public policy and fosters accountability in Government. It creates a condition for ‘open governance’ which is a foundation of democracy.”*

**DECISION:**

Keeping in view the facts of the case and the submissions made by the Complainant and the afore-said decision of the Commission, the Commission directs the CCIT, Ranchi to have this matter inquired and submit its report alongwith similar other inquiry reports sought by the Commission, within a period of 30 days from the date of receipt of this order.

The Commission also instructs the Respondent to convene periodic conferences/seminars to sensitize, familiarize and educate the concerned officials about the relevant provisions of the RTI Act, 2005 for effective discharge of its duties and responsibilities.

The Complaint stands disposed with the above direction.

**(Bimal Julka)**  
**Information Commissioner**

Authenticated True Copy:

(K.L.Das)  
Deputy Registrar

**Copy to:**

- 1- The Chief Commissioner of Income Tax, Income Tax Department  
Central Revenue Building, Main Road, Ranchi, Jharkhand