

CENTRAL INFORMATION COMMISSION

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

Appeal No.:-CIC/CBODT/C/2016/299243-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	28.06.2016
CPIO's response	27/28.07.2016
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 on 02 points regarding total number of cases re-opened during the month of May, 2016 on the ground of having joint bank account as a second account holder, number of cases in which notices had been served, etc.

The CPIO and JCIT, Range 01 and 02, vide its letter dated 27/28.07.2016, 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 27/28.07.2016 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/BS/C/2016/000216-BJ dated 17.05.2017 pertaining to number of cases in which notices u/s 148 of the IT Act had been issued to assesses for having joint account and as a second account holder during the month of February, 2016, total number of cases in which return had been filed etc wherein the Commission had directed the CCIT, Ranchi to conduct an enquiry either by himself or through a nominee officer of Senior Rank and send an enquiry report to the Commission within 20 days from the date of receipt of this order.

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 total number of cases re-opened during the month of May, 2016 on the ground of having joint bank account as a second account holder, number of cases in which notices had been served, etc 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.”

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