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CENTRAL INFORMATION COMMISSION
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सूचना आयुक्त : दिव्य प्रकाश सिन्हा
INFORMATION COMMISSIONER : DIVYA PRAKASH SINHA

File No. : CIC/IARMY/A/2017/135772/SD
Date of Hearing :14/11/2017
Date of Decision :14/11/2017

Relevant facts emerging from the Appeal:

Appellant	:	Vishal Bakshy
Respondent	:	CPIO, RTI Cell, Addl DG MT (AE), G – 6, D – 1 Wing, Sena Bhawan, Gate No. – 04, IHQ of MoD(Army), New Delhi – 110011.
RTI application filed on	:	06/10/2016
PIO replied on	:	06/01/2017; 08/03/2017 & 24/04/2017
First appeal filed on	:	06/02/2017
First Appellate Authority order	:	13/04/2017
Second Appeal dated	:	23/05/2017

Information sought:

The Appellant sought information through 16 points regarding quantification system of selection boards in the Indian Army.

Grounds for the Second Appeal:

The CPIO has not provided the desired information on paras 5(c), (e) to (q) of the RTI Application.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Not present.

Respondent: Lt Col R.N. Sharma, CPIO, Col R.S. Chandel, Col MS(Legal), Col Sunil Jaggi, IHQ of MoD(Army) and Lt Col Harpreet Singh, JD MS, O/o DGMS(Army) present in person.

CPIO submitted that appropriate reply has been provided on the queries contested by the Appellant in the instant Appeal.

Commission brought on record that it finds the contentions of the Appellant in his grounds of Second Appeal largely devoid of any merit as the nature of his RTI Application is not in consonance with the provision of Section 2(f) of the RTI Act. Appellant has sought for interpretation and clarification of the CPIO. However, Commission asked the CPIO to explain the denial of information on query no. 5(e) of the RTI Application initially under Section 8(1)(j) of the RTI Act and later vide letter dated 24.04.2016, it was denied under Section 8(1)(e) of the RTI Act.

CPIO explained that the information sought at para 5(e) pertains to a convening order for the review of the quantification system, and disclosure of the names of officers on the board in public domain could endanger the life and physical safety of such persons. At this stage, CPIO further accepted that the initial denial of information under Section 8(1)(j) was erroneous and reiterated the denial to be justified Section 8(1)(e) of the RTI Act.

Commission summarily rejected the application of Section 8(1)(e) of the RTI Act based on the reasoning advanced by the CPIO. Commission further noted that the reasoning which has been provided for the denial of information will be rather covered by Section 8(1)(g) of the RTI Act.

Based on the request for information, Commission finds merit in the application of Section 8(1)(g) of the RTI Act in the matter, yet, explored the possibility of blacking out the names of the officers and their identifying particulars to allow partial disclosure of information. Upon the Commission's

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instance, CPIO argued that the convening order comprises of mere names of officers; such as that of the presiding officer and members of the review board as well as a brief scope of the review board. CPIO contended that Appellant

has already spelt out the scope of the review board in his Appeal and there is nothing additional which is available in the convening order per se.

Decision

Appellant has not availed the opportunity to appear before the Commission to plead his case or contest CPIO's submissions.

In view of the foregoing observations and submissions of the CPIO, no action is warranted in the matter. The denial of information under Section 8(1)(g) of the RTI Act on para 5(e) of the RTI Application is also upheld.

The appeal is disposed of accordingly.

**(Divya Prakash Sinha)
Information Commissioner**

Authenticated true copy

**(H P Sen)
Dy. Registrar/Designated Officer**