

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/YA/C/2016/900230, dated 26.09.2017

**Shri Manjit Singh v. The Central Public Information Officer (CPIO), Steel
Authority of India Limited (SAIL)**

Relevant dates emerging from the Complaint:

RTI: 09.05.2016	Complaint: 17.06.2016
CPIO: 21.06.2016	Hearing: 26.09.2017

ORDER

1. The complainant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Steel Authority of India Limited (SAIL), seeking information on two points including, inter alia, (i) the reasons for the appointment of twelve people (mentioned in the RTI application) on compassionate grounds despite the fact that their creatinine levels were below the normal level, and (ii) the names and the designations of the officials of the Medical Board who had recommended the appointment of twelve people (as mentioned in the RTI application) on compassionate grounds.

2. The complainant filed a complaint before the Commission on the grounds that no reply, in response to the RTI application, was provided by the CPIO. The complainant requested the Commission to direct the CPIO to provide the information sought for by him.

Hearing on 15.09.2017:

3. The complainant Shri Manjit and the respondent, Ms. Madhulika V. Kovale, AGM (Personnel-Rules) and CPIO, SAIL, attended the hearing through video conferencing.

4. Due to some unforeseen circumstances, the matter could not be taken up for hearing. The matter was adjourned to **26.09.2017**.

Hearing on 26.09.2017:

5. The complainant Shri Manjit, and the respondent Ms. Madhulika V. Kovle, AGM (Personnel-Rules) and CPIO, SAIL, attended the hearing through video conferencing.

6. The complainant submitted that no reply, in response to the RTI application, was provided by the CPIO within the stipulated period of time. The complainant further submitted that the requisite information has not been furnished by the respondent organization and has been incorrectly withheld by taking refuge under the exemption clause contained in Section 8 (1) (j) of the RTI Act.

7. The respondent submitted that vide the CPIO's reply dated 21.06.2016, complete information was provided to the complainant. The respondent further submitted that while the information sought by the complainant in point no.1 of the RTI application was furnished, he was informed, with respect to point no. 2 of the RTI application that the information sought by him was exempted from disclosure under Section 8 (1) (j) of the RTI Act. The respondent also stated that the First Appellate Authority (FAA) vide its Order dated 31.05.2017 had upheld the reply furnished by the CPIO and also enclosed additional information. On a pointed query regarding the applicability of the exemption clause under Section 8 (1) (g) instead of Section 8 (1) (j) of the RTI Act, the respondent stated that the possibility of danger to the members of the Board from the persons who had not been recommended for the appointment on compassionate grounds cannot be ruled out. The respondent submitted that the information was incorrectly denied by claiming exemption under Section 8(1) (j) of the RTI Act and it was exempted under Section 8 (1) (g) of the RTI Act. However, the same was due to an error of judgment on the part of the CPIO concerned. The respondent tendered her unconditional apology for this lapse and requested the Commission to condone the same.

Decision:

8. The Commission, after hearing the submissions of both the parties and perusing the records, observes that the information sought by the complainant in point no. 2 of the RTI application relates to the names and the designations of the officials of the Medical Board who had recommended the appointment of twelve people (as mentioned in the RTI application) on compassionate grounds. This information has been withheld by the respondent by taking recourse to the exemption under Section 8 (1) (j) of the RTI Act. The Commission observes that Section 8 (1) (j) of the RTI Act has been wrongly invoked by the respondent organization. The Commission observes that the disclosure of the names and the designations of the officials of the Medical Board would "endanger the life and physical safety" of those officials and it is, consequently, exempt under Section 8(1)(g) of the RTI Act. The Commission observes that as per the respondent the exemption was claimed due to an error of judgment on the part of the CPIO concerned and hence, it cannot be said that the CPIO had acted consciously and deliberately with a malafide intention in obstructing the information. Further, no penalty can be imposed for wrong judgment. The Commission also in the case *Shri Umamathy S. v. State Bank of India, Bangalore*, CIC/AT/C/2010/ 001084 to 1129 dated 15.12.2010 has held that:

“9.....when CPIO or an Appellate Authority takes a reasoned position about why he chooses not to disclose an information to an applicant, it cannot be described as obstruction of information or withholding it with malafide intentions. It is possible that the contentions of the CPIO and the Appellate Authority be overruled by the CIC, but that alone cannot be the reason to penalise the CPIO or the deemed CPIOs. The CIC has been constituted to correct the error of judgement of the lower officers. There is no provision to impose penalty for wrong judgement. It needs to be noted that sometimes even the orders of superior appellate courts are overturned by higher judicial bodies. The process of reasoning is integral to any judicial process. No one can be faulted for reasoning in one way and not differently”.

In view of the above ratio, in the absence of any malafide intention, it would not be appropriate to initiate any action for the imposition of a penalty on the CPIO.

9. The Commission further observes that due information has been provided to the complainant by the respondent. Hence, no further intervention of the Commission is warranted in the matter.

10. With the above observations, the complaint is disposed of.

11. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(S.S. Rohilla)
Designated Officer

Addresses of the parties:

1. The Central Public Information Officer (CPIO),
Steel Authority of India Limited (SAIL),
Bokaro Steel Plant, ISPAT Bhawan, Bokaro Steel City,
Bokaro, Jharkhand- 827001
2. Shri Manjit Singh