

Central Information Commission

Baba Gang Nath Marg,
Munirka, New Delhi – 110 067

CIC/AA/A/2020/

CICOM/A/E/20/00057

CICOM/R/E/20/00251

Name of the Appellant:

Ms Ruchir Raj Singh
Singh Bhawan, Behind Syndicate Bank,
Near Parkar College,
Moradabad - 244001

1.	Date of RTI application	20.04.2020
2.	Date of reply of the RTI application	04.05.2020
3.	CPIO (s) who furnished reply	Sh. H.P.Sen, CPIO DO to IC (DP)
4.	1 st Appeal Date	12.05.2020
5.	First Appeal received in FAA's office	12.05.2020 (through online portal)
6.	Date of Decision	21.05.2020

Brief Facts of the case:-

1. The Appellant, by referring a second appeal order No. CIC/WB/A/2007/01155-SM dated 18.03.2009, asked for following information:

- "(a). Provide copies of all the document's written statements, testimonials, transcripts submitted by/on behalf of the appellant in the said case.*
- (b). Provide copies of all the documents, written Statements, testimonials, transcripts submitted by on behalf of the respondent in the said case.*
- (c). Copies of any/all file noting, drafts, observations, conclusion drawn/noted by the IC while deciding on the case including corrections made thereon in pencil or any other writing instrument by IC and /or any other functionary of the office of CIC.*
- (d). Provide copy any Act / Rule/ Regulation / advisory or any other document which lays down the procedure / action to be taken by the any citizen of India to file a review petition / application with the office of CIC, in case, prima facie it appears/ established that a particular decision of CIC has been arrived at based on wrong / false facts / inputs / evidence placed before the office of CIC and / or new information evidence is available to review the decision.*
- (e). Copy of any provision of law in the knowledge of office of CIC which can be involved by any citizen of India in any Court / Tribunal / Quasi – Judicial bodies (including office of CIC) to highlight / bring to notice any Act of 'Perjury' and for submission of wrong / false information performed by and appellant / respondent in any case during a hearing before the office of CIC/IC.*
- (f). Copy of any document / information available with CIC which established provides details of any Annexure / Form available to any citizen of India to highlight / bring to notice false statements / submissions / Perjury carried out during any hearing before office of CIC leading to statements / submissions."*

Reply of CPIO:

2. In response to the RTI application, the CPIO, Sh. H.P. Sen provided following detailed information to the appellant:

- "(a) (b) (c) The documents available in the file contain, inter alia, many personal information and the same cannot be provided as it pertains to third party information.*

Therefore, the information is denied under Section 8(1)(j) of RTI Act, 2005. (d) No such information is available. (e) No such information is available. (f) No such information is available."

Ground of First Appeal:

3. Aggrieved with the reply, provided by the CPIO, the Appellant filed first appeal, alleging that the CPIO wrongly interpreted Section 8(1)(j), because any documents submitted by any organisation to the Commission and those information, which cannot be denied to the Parliament or State Legislature, cannot be exempted under this section. Likewise, under the provision of Section 10 of the RTI Act, the CPIO, by concealing the specific portion of the documents, which is considered as exempted, can provide the rest information. The Appellant has also argued that before denying the information, the CPIO did not take the recourse of Section 11(1) of the RTI Act, 2005.

Decision with reasons:

4. On perusal of the Appeal, RTI application and the reply given by the CPIO, it is observed that the CPIO has disposed of the RTI application as per the provision of the RTI Act, 2005. It is worth mentioning here, that Section 8(1)(j) categorically provides that,

Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,— "information which relates to personal information the disclosure of which has no 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:"

The Appellant in his RTI application has asked for the copies of all documents of a case file, which has been filed by other appellant and he, neither in his RTI application nor in his first appeal, has given any justification as to what extent the disclosure of such information would serve the larger public interest. Whereas, on the other hand, the concerned case file may contain many personal information of the said appellant. For concealing those personal information, the complete file will have to be comprehensively examined, for which extra effort will have to be made. Further, Section 11(1) of the RTI Act, 2005 can only be invoked only in that condition, when the CPIO intends to disclose the personal information in larger public interest. Likewise the information asked for by the appellant cannot be compared to the information which is given to the Parliament or State Legislature by a public authority.

In light of the above observation, no intervention is required on the part of the FAA, in the matter.

5. The appeal is being disposed of accordingly.

6. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi – 110 067 against this order within 90 days.

Dated – 21.05.2020

Meena Balimane
21/5/2020
(Meena Balimane Sharma)

Addl. Secretary & First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. T. B. J. S. Rajappa, CPIO, RTI Cell, CIC, New Delhi.
2. Sh. H.P Sen, CPIO & DO to CIC (BJ), CIC, New Delhi.