



ಕರ್ನಾಟಕ ವಿದ್ಯುತ್ ಪ್ರಸಾರಣ ನಿಗಮ ನಿಯಮಿತ

ಸಂಖ್ಯೆ: ಕವಿಪ್ರನಿನಿ/ಬಿ5ಎ/1286/2014-15
ಲಗತ್ತು: 10


ನಿಗಮ ಕಾರ್ಯಾಲಯ
ಕಾವೇರಿ ಭವನ
ಬೆಂಗಳೂರು-560009
ದಿನಾಂಕ: 16 OCT 2014

ಸು ತೋ ಲೆ

ವಿಷಯ: ಮಾಹಿತಿಗಳ ಹಕ್ಕು ಕಾಯಿದೆ 2005 ರ ಅಡಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರಿಗೆ ಮಾಹಿತಿಗಳನ್ನು ನೀಡುವಾಗ ಗಮನಿಸಬೇಕಾದ ವಿಷಯಗಳ ಬಗ್ಗೆ.

- ಉಲ್ಲೇಖ:**
1. ಗಿರೀಶ ರಾಮಚಂದ್ರ ದೇಶಪಾಂಡೆ V/s ಕೇಂದ್ರ ಮಾಹಿತಿ ಆಯೋಗದ ಆಯುಕ್ತರು ಮತ್ತು ಇತರರು ಪ್ರಕರಣದಲ್ಲ (ಸ್ಟೇಷನ್ ಅಲವ್ ಪೆಟಷನ್(ಸಿವಿಲ್) ಸಂಖ್ಯೆ: 27734(2012) ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ನೀಡಿದ ತೀರ್ಪು ದಿನಾಂಕ:03.10.2012.
 2. ಶ್ರೀ.ದೇವರಾಜ್ ಮಾನವ್, ನವದೆಹಲಿ-ಉತ್ತರ (ಅಪೀಲು ಸಂಖ್ಯೆ: ಸಿಐಸಿ/ಡಿಎಸ್/ಎ/2012/001283 V/s ದೆಹಲಿ ಮುನಿಸಿಪಲ್ ಕಾರ್ಪೊರೇಷನ್ ಪ್ರಕರಣದಲ್ಲ ಕೇಂದ್ರ ಮಾಹಿತಿ ಆಯೋಗ, ನವದೆಹಲಿ ನೀಡಿದ ತೀರ್ಪು ದಿನಾಂಕ: 10.01.2013.

ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮತ್ತು ಕೇಂದ್ರ ಮಾಹಿತಿ ಆಯೋಗವು ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯಿದೆ 2005 ರ ಅಡಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರು ಕೋರಿದ ಮಾಹಿತಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಪ್ರಕರಣಗಳಲ್ಲಿ ನೀಡಿರುವ ಉಲ್ಲೇಖಗಳ ಆದೇಶಗಳ ಪ್ರತಿಗಳನ್ನು ಮಾಹಿತಿಗಾಗಿ ಲಗತ್ತಿಸಿದೆ. ನಿಗಮದ ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಪ್ರಾಧಿಕಾರಗಳು ಹಾಗೂ ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರಗಳು ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯಿದೆ 2005 ರ ಅಡಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರು ಮಾಹಿತಿಗಳನ್ನು ಕೋರಿದ ಪ್ರಕರಣಗಳನ್ನು ಪರಿಶೀಲಿಸುವಾಗ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮತ್ತು ಕೇಂದ್ರ ಮಾಹಿತಿ ಆಯೋಗವು ಉಲ್ಲೇಖಿತ ಆದೇಶಗಳಲ್ಲಿ ನೀಡಿರುವ ತೀರ್ಪುಗಳನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು, ಅರ್ಜಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲು ಸೂಚಿಸಿದೆ.


ನಿರ್ದೇಶಕರು[ಆಡಳಿತ ಮತ್ತು ಮಾ.ಸಂ.]
ಕವಿಪ್ರನಿನಿ

ಪ್ರತಿಗಳು:

1. ಎಲ್ಲಾ ಮುಖ್ಯ ಇಂಜಿನಿಯರ್(ವಿ), ಕವಿಪ್ರನಿನಿ.
2. ಎಲ್ಲಾ ಆರ್ಥಿಕ ಸಲಹೆಗಾರರು, ಕವಿಪ್ರನಿನಿ.
3. ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು/ನಿರ್ದೇಶಕರು(ಪ್ರಸಾರಣ)/(ಹಣಕಾಸು)/(ಆ. ಮತ್ತು ಮಾ.ಸಂ.)/ [ನಿ.ವ್ಯ] ಹಾಗೂ ಕಂಪನಿ ಕಾರ್ಯದರ್ಶಿ, ಕವಿಪ್ರನಿನಿ, ಇವರುಗಳ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿಗಳು, ಬೆಂ.

ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ www.kptcl.com-->eprasarana ವೆಬ್ ಸೈಟ್‌ನಲ್ಲಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ.

4. ಎಲ್ಲಾ ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರ್ / ನಿಯಂತ್ರಣಾಧಿಕಾರಿ, ಕವಿಪ್ರನಿನಿ.
5. ಎಲ್ಲಾ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್ / ಉಪ ಲೆಕ್ಕನಿಯಂತ್ರಣಾಧಿಕಾರಿ, ಕವಿಪ್ರನಿನಿ.
6. ನಿಗಮ ಕಾರ್ಯಾಲಯದ ಎಲ್ಲಾ ಅಧಿಕಾರಿಗಳು/ ಲೆಕ್ಕಾಧಿಕಾರಿಗಳು(ಆಂ.ಪ.), ಕವಿಪ್ರನಿನಿ.
7. ಕ್ರೋಢೀಕರಣ ಘಟಕ, ಕವಿಪ್ರನಿನಿ, ಕಾವೇರಿ ಭವನ, ಬೆಂಗಳೂರು.

RTI

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Special Leave Petition (Civil) No. 27734 of 2012
(@ CC 14781/2012)

Girish Ramchandra Deshpande

.. Petitioner

Versus

Cen. Information Commr. & Ors.

.. Respondents

ORDER

1. Delay condoned.
2. We are, in this case, concerned with the question whether the Central Information Commissioner (for short 'the CIC') acting under the Right to Information Act, 2005 (for short 'the RTI Act')

was right in denying information regarding the third respondent's personal matters pertaining to his service career and also denying the details of his assets and liabilities, movable and immovable properties on the ground that the information sought for was qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act.

3. The petitioner herein had submitted an application on 27.8.2008 before the Regional Provident Fund Commissioner (Ministry of Labour, Government of India) calling for various details relating to third respondent, who was employed as an Enforcement Officer in Sub-Regional Office, Akola, now working in the State of Madhya Pradesh. As many as 15 queries were made to which the Regional Provident Fund Commissioner, Nagpur gave the following reply on 15.9.2008:

"As to Point No.1: Copy of appointment order of Shri A.B. Lute, is in 3 pages. You have sought the details of salary in respect of Shri A.B. Lute, which

relates to personal information the disclosures of which has no relationship to any public activity or interest, it would cause unwarranted invasion of the privacy of individual hence denied as per the RTI provision under Section 8(1)(j) of the Act.

As to Point No.2: Copy of order of granting Enforcement Officer Promotion to Shri A.B. Lute, is in 3 Number. Details of salary to the post along with statutory and other deductions of Mr. Lute is denied to provide as per RTI provisions under Section 8(1)(j) for the reasons mentioned above.

As to Point NO.3: All the transfer orders of Shri A.B. Lute, are in 13 Numbers. Salary details is rejected as per the provision under Section 8(1)(j) for the reason mentioned above.

As to Point No.4: The copies of memo, show cause notice, censure issued to Mr. Lute, are not being provided on the ground that it would cause unwarranted invasion of the privacy of the individual and has no relationship to any public activity or interest. Please see RTI provision under Section 8(1)(j).

- As to Point No.5: Copy of EPF (Staff & Conditions) Rules 1962 is in 60 pages.
- As to Point No.6: Copy of return of assets and liabilities in respect of Mr. Lute cannot be provided as per the provision of RTI Act under Section 8(1)(j) as per the reason explained above at point No.1.
- As to Point No.7: Details of investment and other related details are rejected as per the provision of RTI Act under Section 8(1)(j) as per the reason explained above at point No.1.
- As to Point No.8: Copy of report of item wise and value wise details of gifts accepted by Mr. Lute, is rejected as per the provisions of RTI Act under Section 8(1)(j) as per the reason explained above at point No.1.
- As to Point No.9: Copy of details of movable, immovable properties of Mr. Lute, the request to provide the same is rejected as per the RTI Provisions under Section 8(1)(j).
- As to Point No.10: Mr. Lute is not claiming for TA/DA for attending the criminal case pending at JMFC, Akola.
- As to Point No.11: Copy of Notification is in 2 numbers.

As to Point No.12: Copy of certified true copy of charge sheet issued to Mr. Lute – The matter pertains with head Office, Mumbai. Your application is being forwarded to Head Office, Mumbai as per Section 6(3) of the RTI Act, 2005.

As to Point No.13: Certified True copy of complete enquiry proceedings initiated against Mr. Lute – It would cause unwarranted invasion of privacy of individuals and has no relationship to any public activity or interest. Please see RTI provisions under Section 8(1)(j).

As to Point No.14: It would cause unwarranted invasion of privacy of individuals and has no relationship to any public activity or interest, hence denied to provide.

As to Point No.15: Certified true copy of second show cause notice – It would cause unwarranted invasion of privacy of individuals and has no relationship to any public activity or interest, hence denied to provide.”

4. Aggrieved by the said order, the petitioner approached the CIC. The CIC passed the order on 18.6.2009, the operative portion of the order reads as under:

"The question for consideration is whether the aforesaid information sought by the Appellant can be treated as 'personal information' as defined in clause (j) of Section 8(1) of the RTI Act. It may be pertinent to mention that this issue came up before the Full Bench of the Commission in Appeal No.CIC/AT/A/2008/000628 (**Milap Choraria v. Central Board of Direct Taxes**) and the Commission vide its decision dated 15.6.2009 held that "the Income Tax return have been rightly held to be personal information exempted from disclosure under clause (j) of Section 8(1) of the RTI Act by the CPIO and the Appellate Authority, and the appellant herein has not been able to establish that a larger public interest would be served by disclosure of this information. This logic would hold good as far as the ITRs of Shri Lute are concerned. I would like to further observe that the information which has been denied to the appellant essentially falls in two parts - (i) relating to the personal matters pertaining to his services career; and (ii) Shri Lute's assets & liabilities, movable and immovable properties and other financial aspects. I have no hesitation in holding that this information also qualifies to be the 'personal information' as defined in clause (j) of Section 8(1) of the RTI Act and the appellant has not been able to convince the Commission that disclosure thereof is in larger public interest."

5. The CIC, after holding so directed the second respondent to disclose the information at paragraphs 1, 2, 3 (only posting details), 5, 10, 11, 12,13 (only copies of the posting orders) to the appellant within a period of four weeks from the date of the order. Further, it was held that the information sought for with regard to the other queries did not qualify for disclosure.

6. Aggrieved by the said order, the petitioner filed a writ petition No.4221 of 2009 which came up for hearing before a learned Single Judge and the court dismissed the same vide order dated 16.2.2010. The matter was taken up by way of Letters Patent Appeal No.358 of 2011 before the Division Bench and the same was dismissed vide order dated 21.12.2011. Against the said order this special leave petition has been filed.

7. Shri A.P. Wachasunder, learned counsel appearing for the petitioner submitted that the documents sought for vide Sl. Nos.1, 2 and 3 were pertaining to appointment and promotion

and Sl. No.4 and 12 to 15 were related to disciplinary action and documents at Sl. Nos.6 to 9 pertained to assets and liabilities and gifts received by the third respondent and the disclosure of those details, according to the learned counsel, would not cause unwarranted invasion of privacy.

8. Learned counsel also submitted that the privacy appended to Section 8(1)(j) of the RTI Act widens the scope of documents warranting disclosure and if those provisions are properly interpreted, it could not be said that documents pertaining to employment of a person holding the post of enforcement officer could be treated as documents having no relationship to any public activity or interest.

9. Learned counsel also pointed out that in view of Section 6(2) of the RTI Act, the applicant making request for information is not obliged to give any reason for the requisition and the CIC was not justified in dismissing his appeal.

10. This Court in **Central Board of Secondary Education and another v. Aditya Bandopadhyay and others** (2011) 8 SCC 497 while dealing with the right of examinees to inspect evaluated answer books in connection with the examination conducted by the CBSE Board had an occasion to consider in detail the aims and object of the RTI Act as well as the reasons for the introduction of the exemption clause in the RTI Act, hence, it is unnecessary, for the purpose of this case to further examine the meaning and contents of Section 8 as a whole.

11. We are, however, in this case primarily concerned with the scope and interpretation to clauses (e), (g) and (j) of Section 8(1) of the RTI Act which are extracted herein below:

"8. Exemption from disclosure of information.- (1)
Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(j) 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."

12. The petitioner herein sought for copies of all memos, show cause notices and censure/punishment awarded to the third respondent from his employer and also details viz. movable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is

whether the above-mentioned information sought for qualifies to be "personal information" as defined in clause (j) of Section 8(1) of the RTI Act.

13. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the

larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

14. The details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information.

15. The petitioner in the instant case has not made a bona fide public interest in seeking information, the disclosure of such information would cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act.

16. We are, therefore, of the view that the petitioner has not succeeded in establishing that the information sought for is for

the larger public interest. That being the fact, we are not inclined to entertain this special leave petition. Hence, the same is dismissed.

.....J.
(K. S. RADHAKRISHNAN)

.....J.
(DIPAK MISRA)

New Delhi
October 3, 2012

Central Information Commission

Room No.307, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066
Telefax: 011 26180532 & 011 26107254 website cic.gov.in

Appeal: No. CIC/DS/A/2012/001283

Appellant /Complainant : Shri Devraj Manav, New Delhi
Public Authority : North Delhi Municipal Corporation, New Delhi
(Sh. K.K. Lohat, CSI/DEMS, SP Zone, Sh. J.K. Sharma, SS, DEMS, Narela Zone, Sh. Jugal Kishore, OS, DEMS, North HO, Sh. Naresh Kumar, SS/KBZ, Sh. Hoshiar Singh, SS/RZ, DEMS, Sh. Mohan Singh, SS/DAEMS/CZ, , Sh. Abhinesh Kumar, UDC/DEMS, CL Zone)

Date of Hearing : 10 January 2013

Date of Decision : 10 January 2013

Facts: □

1. Applicant submitted RTI application dated 6 February 2012 before the CPIO, MCD, New Delhi to obtain information for the period January 1994 to December 2011 pertaining to the names of deceased who were in the employee of the Department along with personal details, names of applicants who had applied for employment on compassionate grounds pursuant to the death of the deceased employees along with all their personal information.
2. Vide CPIO order dated 27 February 2012, the RTI application was forwarded to the various holders of information in the different departments of the MCD.
3. On not receiving full and complete information, the applicant preferred appeal dated 12 March 2012 before the first appellate authority.

4. Vide FAA order dated 25 April 2012, wherein it was recorded that the CPIOs had already provided information to the appellant as was available with them. Appellant was requested to inspect the record and specify the records/documents required by him so that the same could be provided to him however, the applicant did not agree to this suggestion.

5. The first appellate authority also recorded that the information sought by the appellant is extremely voluminous and scattered over various zones of MCD and also not available in a compiled form. Further, it was argued that compiling of this information would disproportionately divert resources of the public authority in terms of section 7 (9) of the Act therefore, it was ruled that it was not possible to provide the requested information to the appellant as it was not readily available with the CPIO.

6. Applicant preferred second appeal before the Commission.

7. Matter was heard today. CPIOs of the various departments of the MCD appeared in person as recorded above. Appellant did not appear.

Decision notice

8. After hearing the respondent CPIOs and perusing the facts on record, Commission agrees with the order of the first appellate authority. The appellant has not established any larger public interest in the disclosure of information which is voluminous and requires to be compiled from large number of files across several departments of MCD. Further it is observed that the appellant has already been provided information regarding the names of the deceased employees along with name of father and date of death as well as status regarding payment of terminal benefits. It is an established fact that the privacy of all persons including those deceased must be respected and all the personal details pertaining to the deceased can certainly not be disclosed to the appellant in the absence of any larger public interest been demonstrated by him as per section 8(1)(j) of the Act.

9. In respect of details pertaining to Swachchata Karamcharis appointed on compassionate grounds, the names of those persons along with the recommendations

of the recommendatory committee in this regard can be provided to the appellant if he seeks specific information directly from each of the departments all of which have appointed separate CPIOs by preferring independent RTI applications. Commission notes that by seeking information that covers 18 years starting with January 1994, the appellant has certainly put great pressure on the resources of the MCD without any commensurate benefit to the larger public interest. Appellant is warned to desist from such actions in future. Commission wishes to highlight the order of the honourable Supreme Court of India in the matter of CBSE vs Aditya Bandhopadhyaya and another (Civil Appeal No. 6454 of 2011 dated 9 August 2011)the Apex court has observed,

" 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. But in regard to other information,(that is information other than those enumerated in Section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the nonproductive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI

Act should not lead to employees of a public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties.”

10. The appellant must show utmost responsibility while exercising his right under the Transparency Act in future. With this warning, the appeal is dismissed.

(Smt. Deepak Sandhu)
Information Commissioner (DS)

Authenticated true copy:

(T. K. Mohapatra)
Dy. Secretary & Dy. Registrar
Tel. No. 011 26105027

Copy to: □

1. Shri Devraj Manav
S/o Late Pyare Lal
L1st, 1128/27, Asthal Mandir Road,
Sangam Vihar, New Delhi 110062
2. The CPIO
Assistant Commissioner / HQ
North Delhi Municipal Corporation
DEMS / Headquarters,
Dr. Ambedkar Stadium, New Delhi 110002
3. The Appellate Authority
Addl. Dy. Commissioner
North Delhi Municipal Corporation
DEMS / Headquarters,
Dr. Ambedkar Stadium, New Delhi 110002

4. Shri K.K. Lohat,) Through present CPIO
CSI, DEMS, SP Zone)
5. Sh.J.K. Sharma,)
SS, DEMS, Narela Zone)
6. Sh. Jugal Kishore)
OS, DEMS, North HO)
7. Sh.Naresh Kumar)
SS, KBZ)
8. Sh.Hoshiar Singh,)
SS, RZ, DEMS)
9. Sh. Mohan Singh)
SS, DEMS, CZ)
10. Sh. Abhinesh Kumar)
UDC, DEMS, CL Zone)