

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

145
Mr. Ishtaram
Please put up on job.
Smit
18/03/25

File No: CIC/NIDHR/A/2023/651588

Manish Srivastava

.....अपीलकर्ता/Appellant

VERSUS
बनाम

PIO,
National Institute of Design,
Umri, Kurukshetra, Haryana – 136131

....प्रतिवादीगण /Respondent

Date of Hearing : 25.02.2025
Date of Decision : 27.02.2025

INFORMATION COMMISSIONER : Vinod Kumar Tiwari

Relevant facts emerging from appeal:

RTI application filed on : 14.07.2023
CPIO replied on : 12.09.2023
First appeal filed on : 03.10.2023
First Appellate Authority's order : 02.11.2023
2nd Appeal/Complaint dated : NIL

Information sought:

The Appellant filed an RTI application dated 14.07.2023 (online) seeking the following information:

"1. Please provide certified copy of all the pages of note-sheets of the file pertaining to NPS at NID Haryana, Kurukshetra.

2. Please provide certified copy of list of regular employees registered in NPS login of NID Haryana, Kurukshetra after its registration in NPS.

149

3. Please provide certified copy of list of contractual employees registered in NPS login of NID Haryana, Kurukshetra after its registration in NPS.

4. Please provide certified copy of proceedings of the committee regarding NPS deductions etc in NID Haryana, Kurukshetra.”

The CPIO furnished a point-wise reply to the Appellant on 12.09.2023 stating as under:

“1 The information cannot be disclosed under section 8 (e) of the RTI Act 2005.

2&3 The information cannot be disclosed under section 8 (j) of the RTI Act 2005.

4 The information cannot be disclosed under section 8 (e) of the RTI Act 2005.”

Being dissatisfied, the appellant filed a First Appeal dated 03.10.2023. The FAA vide its order dated 02.11.2023, held as under:

“The appellant states that CPIO, NID Haryana vide reply to RTI application dated 12.09.2023 has not provided the requisite information quoting the Section 8(1)(e) & 8(1)(j) Official note-sheets and proceedings do not come under Section 8(1)(e) and even DPIIT has provided copies of note-sheets under RTI Act. Further proceedings are generally provided by the organisations under suo-moto disclosures. The matter concerned involves larger public interest. Hence, the CPIO may please be requested to provide the information.

I have gone through the original application, reply given by the CPIO and the appeal and requested to CPIO to give his comments. The CPIO has informed that information provided as reply to the RTI application is final and reasons stated in the appeal do not justify forwarding the information.

In view of the above, I am of the considered opinion that the replies given by the CPIO were relevant to the questions. For fresh information the applicant should go through with fresh RTI application.”

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeal on the following grounds:

143

“...Here it is to also to mention that the points were asked from NID Madhya Pradesh (NIDMP/R/E/23/00024), NID Andhra Pradesh (NIDAP/R/E/23/00012) and NID Assam (NIDAM/R/E/23/00014). They all have provided information and also sent copies of their note-sheets except NID Haryana, they always try not to provide information.”

Relevant Facts emerged during Hearing:

The following were present:-

Appellant: Not present.

Respondent: Shri Sunil Kumar, Chief Administrative Officer-cum-CPIO present through video-conference.

The respondent while reiterating their stand for denial of information under Section 8 (1)(e) and 8 (1)(j) of the RTI Act apprised the Commission that the appellant has no *locus standi* in the information sought. The Appellant has already worked with their organization as a regular employee, who is getting entitled benefits of NPS option.

Decision:

The Commission, after adverting to the facts and circumstances of the case and perusal of the records, notes that the main premise of the instant Appeal was denial of information by the Respondent. In response to point No. 2 and 3 of RTI application, the Respondent replied that the information sought by the Appellant pertains to personal information of third party, therefore, information being exempted from disclosure has been denied to the Appellant under Section 8(1)(j) of the RTI Act.

The Commission is of considered view that the respondent has appropriately denied the information to the appellant against Point No. 2 of RTI application, as it contains personal information of third-party employees which cannot be disclosed under Section 8(1)(j) of the RTI Act. The same can be garnered from a bare perusal of the text of Section 8(1)(j) of the RTI Act as under:

“8. Exemption from disclosure of information.—

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,

(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;..”

In this regard, attention of the Appellant is drawn towards a judgment of the Hon'ble Supreme Court in the matter of *Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010* wherein the import of “personal information” envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in the matter(s) of *Canara Bank Vs. C.S. Shyam in Civil Appeal No.22 of 2009; Girish Ramchandra Deshpande vs. Central Information Commissioner & Ors., (2013) 1 SCC 212 and R.K. Jain vs. Union of India & Anr., (2013) 14 SCC 794*. The following was thus held:

“59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive...”
Emphasis Supplied.

Neither in the RTI application nor in the instant appeal has the Appellant brought out any overriding public interest that will be served with the

disclosure of the personal information of a third-party. Accordingly, reply to point No. 2 of RTI Application is found to be in consonance with the provisions of the RTI Act. (141)

As regards Point No. 3 of RTI application, it is noted that the reply given by the respondent is denial on the basis of it being third party's personal information. The reply implies that there is a deduction made from the contractual employees for NPS and they are registered. Against point No. 1 and 4 of the RTI application, exemption under Section 8 (1)(e) of the RTI Act has been claimed by the respondent without giving justification for the same. A plain reading of these points in the RTI application indicates that they are inter-related. Under normal circumstances, a contractual employee is not a member of New Pension Scheme (NPS). Therefore, the exemption claimed against these two points ought to have been explained and justified with cogent reasons, in the absence of which appeal on these points of RTI application is allowed and the respondent is directed to give a revised reply against Point No. 1, 3 and 4 of RTI application stating the facts/supplying the relevant documents. If need be, the respondent may sever the information using Section 10 of the RTI Act. The said reply should be provided to the appellant, free of cost, within 4 weeks of the date of receipt of this order.

FAA to ensure compliance of the direction.

The appeal is disposed of accordingly.

Sd/-

Vinod Kumar Tiwari (विनोद कुमार तिवारी)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy

(अभिप्रमाणित सत्यापित प्रति)

(S. Anantharaman)

Dy. Registrar

011- 26181927

Date

