

नं.सीपीपीआरआई/आरटीआई/2018/08(आई)/278/ 3099

दिनांक: 18.10.2018

श्री अनिल सैनी, RTI कार्यकर्ता,
ग्राम बनवाला,
पोस्ट ऑफिस टांको सुंदरपुर
जिला हरद्वार (उत्तराखण्ड)

विषय: सूचना अधिकार अधिनियम-२००५ के अंतर्गत प्राप्त प्रार्थना पत्र सं. 204 दिनांक
14.09.2018 (संस्थान मे दिनांक 25.9.2018 को प्राप्त) के संबंध में।

महोदय,

कृपया अपने प्रार्थना पत्र सं.204 दिनांक 14.09.2018 (संस्थान मे दिनांक 25.9.2018
को प्राप्त) जो कि सूचना का अधिकार, अधिनियम - 2005 के अंतर्गत इस संस्थान को प्रेषित है
का संदर्भ लें।

इस संबंध में सूचनीय है कि आप द्वारा वांछित सूचना संस्थान के संबन्धित विभाग से
उनके पत्र दिनांक 17.7.2018 द्वारा प्राप्त हुई है जिसकी एक प्रति इस पत्र के साथ संलग्न की
जाती है।

भवदीय,

मान्य-कृष्ण गुप्ता
(एम. के. गुप्ता)
जन सूचना अधिकारी

संलग्नक: यथोक्त

प्रतिलिपि सूचनार्थ :

1. निदेशक, केन्द्रीय लुगदी एवं कागज़ अनुसंधान संस्थान, सहारनपुर

18/10/18

व/क

204

Central Pulp & Paper Research Institute
Saharanpur

Ref.No. CPPRI/P/M/3/9/VII

Dated 15.10.2018

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कृपया अपने पत्र संख्या सीपीपीआरआई/आरटीआई/सीआईसी/2018/10(आई)/278 दिनांक 26.9.2018 का संदर्भ ग्रहण करें जिसके द्वारा श्री अनिल सैनी, ग्राम-बनवाला का आवेदन सूचना के अधिकार के अन्तर्गत सूचना उपलब्ध कराने के लिए अग्रसरित किया गया है। इस संबंध में सूचना व्योरेवार उपलब्ध कराई जा रही है।

“The information about personal assets of any person are, as the term itself defines- “personal” and thus falls under Section 8(1)(j) of the RTI Act. However, if the applicant assured that this information will not be misutilized by anybody and will not make the life of the individual difficult, and justify that this information is required in vider public interest; the applicant is requested to visit the CPPRI in any working day with his ID proof and obtain the information.

A copy of CIC Dicison No.CIC/AT/A/2007/01172 dated 19th June 2008 in similar case is enclosed herewith for information please.

अनूप सास्त्रिना
(ए.के.सक्सेना)
प्रशासनिक अधिकारी

डा. एम.के.गुप्ता
वैज्ञानिक - F
सीपीपीआरआई, सहारनपुर

CENTRAL INFORMATION COMMISSION

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F.No.CIC/AT/A/2007/01172

Dated, the 19th June, 2008

Appellant : Mr.Moin Uddin

Respondents : Income Tax Department

This second-appeal by Mr.Moin Uddin (appellant) is against the order dated 27.04.2007 of the Appellate Authority (AA), corresponding to the appellant's RTI-application dated 20.02.2007 and the CPIO's reply dated 20.03.2007.

2. Through his RTI-application dated 22.02.2007, the appellant called for the following information pertaining to a third-party, viz. Mr.Shahazad Khan, STA:-

"I seek copies of these permission / sanction given by CIT, Aligarh and prior information required to be furnished under CCS Conduct Rules in respect of the following transaction made by him."

And

- "(a) Statement showing Yearwise net salary drawn by Shahzad Khan STA, during his tenure at Aligarh.*
- (b) Details of Payments made towards House Building Loan along with interest paid there on.*
- (c) Whether any disciplinary action has been initiated for acquiring disproportionate assets and for not following CCS conducted [sic] Rules, Reasons there off?"*

3. According to the appellant, the third-party, Mr.Shahazad Khan, who served as Senior Tax Assistant (STA), had made certain transactions regarding movable and immovable assets. He was required to take permission for those transactions from the competent authority in terms of the provisions of the CCS (Conduct) Rules. Appellant has sought copies of those permissions / sanctions by CIT, Aligarh.

4. The transactions which the appellant has mentioned included purchase of land, acceptance of House Building Loan from bank, construction of a house, House Building Advance from the public authority, sale of constructed house, purchase of a new house and purchase of a car. The point for consideration is whether the compliance with the CCS (Conduct) Rules by a public servant —

taking prior approval of transactions regarding movable and immovable assets in this case — comes within the purview of Section 8(1)(j) of the RTI Act and whether there is any public interest in its disclosure.

5. The matter came up for hearing on 30.01.2008, following the Commission's hearing notice dated 06.12.2007, when the appellant was absent and the respondents were represented by the CPIO, Shri A.K. Jain, Commissioner of Income Tax, Aligarh.

6. It is noted that the personal assets of any person — including the civil servant — are, as the term itself defines, "personal" to such person / civil servant. When he joins the service, he accepts certain Conduct Rules restrictions on himself, one of which is giving prior intimation for transaction in certain categories of movable and immovable assets to the competent authority and obtaining the approval of that authority. The only reason why such prior intimation and approvals thereof can or should be disclosed — the matter being decidedly personal to the civil servant — is on account of these being in public interest.

7. The scheme of the Conduct Rule is such that while all the above category of transactions are to be intimated to the public authority (competent authority) and need that authority's prior approval, but these intimations and approvals are scrutinized only when some enquiry or an investigation against the civil servant is started at the behest of the public authority, and not otherwise. In other words, the Conduct Rules provide scope for collection of information about a certain category of transactions in general, but scrutinize them selectively only when a given condition presents itself. This is based upon the sound logic that the personal information provided to a public authority by a civil servant should not be brought out into the open except under specific conditions. A surmise that the third-party should be handed over this information in order to satisfy himself that a particular civil servant had complied with, or violated the CCS Conduct Rules, will be an erroneous one and will be open to wide-spread misuse. If any person has any specific and verifiable information about Conduct Rule-violation by a civil servant, it is always open to that person to bring it to the notice of the public authority, who will then carry out the necessary scrutiny and enquiry. Disclosure of the interactions between a civil servant and the public authority in matters which are personal to the civil servant would be a gross invasion of that civil servant's privacy and amount to defiling the sanctity of his personal domain. A surmise that such disclosure would prevent corruption may have grains of truth in it, but the flip-side to it is that there are hundreds and thousands of busy-bodies out there in cities and towns who, with this information in their hands, will make the life of even the most honest civil servant difficult. The instrumentality of disclosure under RTI Act must be allowed to be used in such matters with abundant caution and with full cognizance of the potentiality of its misuse.

An expression of intention of combating corruption in itself would not constitute public purpose, warranting disclosure of admittedly personal information, which in the present case, is interactions between a civil servant and the public authority regarding transactions in movable and immovable assets by the civil servant.

8. In view of the above, the appeal is disallowed.
9. Copy of this decision be sent to the parties.

Sd/-
(A.N. TIWARI)
INFORMATION COMMISSIONER

Authenticated by –

Sd/-
(D.C. SINGH)
Under Secretary & Asst. Registrar