

Central Information Commission  
File No.CIC/SM/A/2009/000614 dated 07-03-2008  
Right to Information Act-2005-Under Section (19)

Dated: 26 April 2010

Name of the Appellant : Shri M.N. Srikanta Sharma  
S/o Late Shri Narasimha Murthy,  
T/D, AF, RMP, BARC, Mysore.

Name of the Public Authority : CPIO, Bhabha Atomic Research Centre,  
Central Complex, 3<sup>rd</sup> Floor,  
BARC Trombay,  
Mumbai - 400 085.

The Appellant was present along with Shri Murthy.

On behalf of the Respondent, Shri Goverdhan Rao, CPIO was present.

2. In this case, the Appellant had, in his application dated 7 March 2008, requested the CPIO for the details about the immovable properties of 161 employees. In his reply dated 24 March 2008, the CPIO denied the information by stating that the disclosure of such personal information having no relation to any public activity or interest would cause unwarranted invasion of the privacy of those individuals and that such information was exempt from disclosure under Section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this reply, the Appellant preferred an appeal on 21 April 2008 which the Appellate Authority disposed of in his order dated 12 May 2008 in which he upheld the decision of the CPIO. It is against this order that the Appellant has come to the CIC in second appeal.

3. We heard this case through videoconferencing. The Appellant was present in the Mysore studio of the NIC. The Respondent was present in the Mumbai studio. We heard their submissions. As already held by this Commission in the past, normally the immovable property returns filed by the employees are not to be disclosed as these are in the nature of personal information having no relation to any public activity or interest and the disclosure of such information has the potential to cause unwarranted invasion of the privacy of the individual concerned. Only when such

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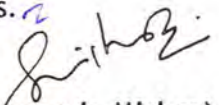


disclosure would serve a larger public interest, such information can be disclosed. The Appellant submitted that these 161 employees had managed to get house sites allotted in their names as members of a housing co-operative Society by suppressing the fact that they already owned houses or house sites either in their own names or in the names of their family members. In his view, this is a corrupt practice and the disclosure of the desired information would expose the corruption of these employees.

4. Keeping the submissions of both the parties in mind and with the consent of both parties, we think that the CPIO should disclose the immovable property returns of those employees whose affidavits/applications before the said housing co-operative Society could be produced to the CPIO and which would show that they had indeed suppressed the fact of their ownership of any house site/house as declared in their respective immovable property returns. We advise the Appellant to produce before the CPIO such affidavits/applications in respect of these employees and we direct the CPIO to compare these affidavits/applications with the respective immovable property returns filed by the employees concerned to find out if the fact of ownership of any house sites/house has indeed been suppressed by the said employees and, if so found, to provide to the Appellant the photocopy of the latest immovable property returns of those employees. This entire exercise be completed within 20 working days from the date on which the Appellant would produce the affidavits/applications which the said employees had filed in the relevant housing co-operative Society.

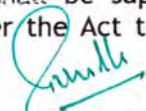
5. With the above direction, the appeal is disposed off.

6. Copies of this order be given free of cost to the parties.

  
(Satyananda Mishra)  
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.



  
(Vijay Bhalla)  
Assistant Registrar