

Central Information Commission, New Delhi
File No. CIC/SM/A/2012/001721
Right to Information Act-2005-Under Section (19)

Date of hearing : 8 March 2013
Date of decision : 8 March 2013
Name of the Appellant : Shri Mahasen Gandle,
Chief Administrative Officer,
BRIT/BARC Vashi Complex,
Sector 20, Vashi, Navi Mumbai - 400 705.
Name of the Public Authority : CPIO, Bhabha Atomic Research Centre,
Central Complex, 3rd Floor, BARC,
Trombay, Mumbai - 400 085.

The Appellant was present.

On behalf of the Respondent, Shri Govindankutty, CPIO was present.

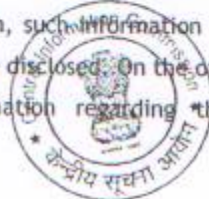
Chief Information Commissioner : Shri Satyananda Mishra

2. The Appellant was present in the Mumbai studio of the NIC while the Respondent was present in the studio at the BARC. We heard both their submissions.

3. In his RTI application, the Appellant had raised a large number of issues regarding the deployment of security guards in the BARC. The CPIO had responded to him with a lot of information but had declined to disclose some of the information on the ground that it was covered either under the provisions of subsection 1(a) or (j) of section 8 of the Right to Information (RTI) Act. The Appellate Authority had approved of the information provided by the CPIO.

4. The Appellant argued that the CPIO was not right in denying some of the information which, in his opinion, was neither strategic nor personal in nature as had been made out by the CPIO. He submitted that the information regarding the manpower requirement for security guards or the details of the security guards against whom disciplinary proceedings were pending or the file noting in which disciplinary proceeding had been proposed against a particular officer could not be covered under any of these exemption provisions. In his opinion, such information was clearly in the nature of public activity and should be disclosed. On the other hand, the respondent submitted that the information regarding the manpower

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requirement for security guards in a strategic establishment like the BAITC could not be disclosed because this could reveal in the public domain the assessment of the authorities about the security needs of the installations, clearly not in the interest of either the establishment or the country. Similarly, he argued that the other details about the security guards were in the nature of personal information of those guards and had no relation to any public activity interest.

5. After carefully considering the facts of the case and the submissions made before us, we are partly in agreement with both the parties. In our view, the CPIO must disclose the following information within 10 working days of receiving this order:

- i. The list of the security guards against whom departmental proceedings are pending; and
- ii. the list of the security guards who had not been paid PRIS(O&G) since the inception of the scheme.

6. The file noting in which disciplinary proceeding had been proposed against Sri DD Jagadia cannot be disclosed in the light of the order of the Supreme Court of India dated 3 October 2012 in the SLP No. 27734/2012 (GR Deshpande Vs CIC and others) in which the Court has held that such information would fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. The Supreme Court has further held that such information can be disclosed only when a case is made out that it would serve a larger public interest.

7. The appeal is disposed off accordingly.

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

S. Mishra
(Satyananda Mishra)
Chief 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
(Vijay Bhalla)
Deputy Registrar

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