



Income Tax Department

Ministry of Finance, Government of India

DIGEST OF RTI CASES

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1. INCOME TAX RETURNS

S.No	Case No.	Name of Applicant	Details asked for	Decision of CIC	CPIO/AA
1.1	05/IC(A)/CI C/2006 03.03.06	Arun Verma New Delhi	PAN, TAN and date of allotment of same for 26 companies	The CIC held that Information relating to PAN and TAN are confidential in nature u/s 138 of the IT Act. No case for bonafide public interest has been made out by the applicant therefore appeal was dismissed.	DGIT, Systems



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1.2	22/IC(A)/06 30.03.06	Farida Hoosenally Mumbai	Details of the Income tax returns and copies of orders of a firm	The Chief Commissioner of Income Tax was directed by CIC to supply relevant copies of the income tax assessment orders, if any, provided that such documents are not exempted under Section 8(1) of the Act . The case was sent back for reconsideration. After reconsideration CCIT - 1, Mumbai in its order dated 24-05-06 held that the information about income is given to the Department in a fiduciary capacity.... supply of the copies of assessment order has to be held as exempted under the provision of section 8(1)(e) and (a) of the RTI Act.	CCIT Mumbai.	IX
1.3	33/IC(A)/06 04.05.06	Rakesh Agarwal New Delhi	Copy of the tax return filed by a certain person and a copy of investigation report of TEP	The CIC held that the appellant has sought information about tax returns filed by a third party and a copy of investigation report that is still in progress. The appellate authority has correctly applied Sections 8 (1) (j) and 8(1)(h) for exemption of information from disclosure.	DIT (Inv) New Delhi.	
1.4	40/ IC(A)/06 16.05.06	Rattan Lal Sikri Kurukshetra	Income Tax returns of a regd. Firm in which father was a partner.	The CIC held that the Income Tax returns are personal in nature and it is also a third party information exempted u/s 8(1)(d) and 8(j) .	CCIT-Panchkula.	
1.5	110/IC(A)/ 2006 13.7.2006	P.R. Gokul Mumbai	Information relating to income and wealth of applicants father-in-law	The CIC held that the Information which has been submitted in fiduciary capacity u/s 8(1) (e) and there is no public action involved .	CIT Kottayam	
1.6	119/IC(A)/ 2006 14.7.2006	Shobha R. Arora Mumbai	Copies of Income Tax Returns and Balance Sheets filed by a company in which applicant is a	The CIC held that the Information sought by the applicant has been supplied by a Third Party which has strongly opposed the supply of the information. The requested information is "personal information" having no relation to any public activity or interest and would cause unwarranted invasion of privacy.	CIT-8, Mumbai-I	
1.7	141/IC(A)/ 2006 25.7.2006	P. Rajan Kochi (See case no. 16 also)	Copies of the entire proceedings in a particular case relating to assessment and appeal.	The CIC held that the Exemption from disclosure of information u/s 8(1)(d) &(j) justified. Public interest defined as Public interest does not mean that which is interesting as gratifying curiosity or love of information or amusement but that in which a class of the community have a pecuniary interest or some interest by which	CIT Kottayam.	
1.8	313/IC (A)/2006 3.10.2006	Smt. Navdha Punit Arora Ahmedabad	Copies of income tax returns and assessment orders.	The CIC held that such information is barred u/s 8(1)(j) of the Act. As regards assessment orders cannot be given to persons who are in no way concerned with the details furnished in income tax returns, which contain personal information and other business detail, including sources of incomes, which are treated confidential u/s 8(1) (d) of the Act. The disclosure of such information is not in public interest.	CIT-I Ahmedabad	
1.9	515/IC(A)/ 07	J.P.Sharma Mumbai	Copies of IT return and assessment orders sought by the partner	The CIC held that the documents can be given to the authorized person after ascertaining the authorization.	CIT-II Bangalore	
1.10	556/IC(A)/ 07 21/2/2007	Sh. S.P. Goyal Mumbai	Huge information through various applications, partial information in some cases, was given while in some others the information, as available	The CIC held that the appellant has certain grievances relating to assessment of taxes of his companies. And, he has sought to redress them through his applications under the RTI Act. It is imperative; therefore, that the relevant information, as asked for by him and the justification for the actions taken on various representations made by him, should be disclosed to amicably resolve the disputes between his companies and the Income Tax Department.	CIT-12 Mumbai	
1.11	CIC/AT/A/2 006/00646 21/02/07	Neeru Bajaj Lucknow	IT Returns of another person	The applicant was engaged in a court proceeding against the third party whose information was being sought. Giving information would mean derailing the purpose for which the RTI act was enacted .The CIC clearly held that the information sought is personal in nature and there is no public interest that is served by its disclosure.	CIT-II Lucknow	
1.12	2006/0050 5,504,508, 511 Dt 13/01/07	S.P.Goyal Mumbai	i. Certain Transaction in property of a third party and other details ii. Date of complaint and statement recorded before initiating action	i. Upheld the application of 8(1) (h)-investigation in progress. ii. The information requested is personal and attracts exemption under 8(1)(j)	DGIT(Inv) Chandigarh & DGIT(Vig)	



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1.13	2006/0055 5 Dt 31/01/07	Anjani Kumar Chiripal, Delhi	Balance Sheet of a third party and balance payable by third party to the applicants coy	Any information which a third party entrusts to a public authority in discharge of a legal obligation such as tax payment is prima facie personal information which is supplied to the public authority for the sole purpose of enabling that authority to perform its function under the law. The decision whether or not to make such information public cannot be taken by the public authority in isolation or arbitrarily....The RTI act under section 8(1)(j) mirrors the objectives set out in section 138 of the Income Tax Act ,viz unless it is proved that a personal information is related to a public interest or activity such information shall be exempted from disclosure. The decision of the CPIO and the AA to disclose the balance sheet of a third party without the third party concurrence was wholly unjustified.	CIT-XII, Delhi
1.14	2006/0056 4 Dt	Mithilesh Jain Katni,M.P.	Access to I.T. returns of five individuals	Mere suspicion of tax evasion is not enough ground for invoking the overriding provision concerning public interest. It is open to the appellant to take recourse to make a proper tax evasion report to the Public authority.	CIT-Jabalpur
1.15	2007/0010 1/ Dt	Pranesh Chaitnya, Jalpaiguri	Information of a charitable Trust	The CPIO had supplied the information to which the CPIO had access. The information which was denied was the information on which he had no access upheld by CIC.	DIT(Exem) Kolkata
1.16	2007/0016 8 Dt 20/04/07	P. Rajan, Cochin	Information pertaining to Malayala Manorama Coy	The information was already denied and upheld by order dated 141/2006 dt 25/7/06 .The CIC strongly held that it had already given its verdict on the same points . It is not open to the appellant to repeatedly file petitions for similar information with nothing more than cosmetic modification to make it look distinct and separate. These amounts to colourable exercise of the right conferred on the citizens and must be firmly discouraged.	CIT-Kottayam, Kerala
1.17	2006/0054 3 Dt 20/04/07	J.P.Sharma Mumbai	Information of third party-signature in the IT return had discrepancies	The information is not proper information under RTI rather it was in the nature of asking to confirm the suspicion about the discrepancies. The respondents went into in a new trajectory of locating the third party returns. No respondent can be demanded to convert himself into a snooping sleuth or a forensic expert to satisfy the appellant curiosity or to set at rest his apprehensions. The Investigation had been ordered by CCIT and once it has been completed then the information can be asked for.	CIT-II,Bangalore
1.18.	2007/0025 1 Dt 14/05/07	Manjit Singh Minhas, Pune	To issue to Tata Motors a tax notice for filing faulty form no.16	The Information is more in the nature of a complaint against his former employer. It is not possible to settle for the appellant through the instrumentality of the RTI Act the industrial dispute which the applicant had with third party.	Addl CIT (Adm) Pune
1.19.	2006/0060 8 Dt 28/05/07	S.K. Dutta Kolkata	Copies of deed of variation And other details	The matter was remanded to the AA to examine whether the Interim Injunction covered the copies of deed of variation also so as to apply 8(1)(b). --Regarding the facts and figures the contention of the AA that the information was voluminous and could not be supplied without diverting the public authority resources as laid down in section 7(9) of the RTI Act was upheld.	CIT-III, Kolkata
1.20.	2007/0093, 0094.,0095 Dt 31/05/07	Milap Choraria Delhi	Certified copies of all the petitions of the applicant ,Certified copy of all documents proving the allegation of the applicant, list with full add of all the properties purchased by a certain group	The applicant was required to make a list of the precise information he wanted instead of the freewheeling and seamless requests made by the appellant..The request is open ended and seems to be in the jurisdiction of Ministry of Company Affairs . The CIC was not in agreement with the appellant's argument that the Income Tax Department ought to have received information during the search. Unless something definitive is available to link the two, to expect the Income tax authorities to furnish this information to the appellant would be unrealistic.	DIT(Inv)Kolkata
1.21	2007/0032 8 dt 13/06/07 And 2007/0053 5 30 th July 07	Rattan Lal Sikri, Haryana	Copy of partnership deed of a third party Partnership deed and details of person signing the return and details of affidavit of the legal representative	The Deed is an integral part of the return and as held in many earlier cases the Income Tax Returns are not subject to disclosure. The deed was filed along with return which cannot be disclosed u/s 8(1)(j)	CIT-Karnal



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1.22	2007/0033 6 Dt 15/06/07	T.Sethuram a, Trichy	Information of IT return of third party	The information in IT Return attracts exemption under 8(1)(d),8(1)(j)and also 8(1)(g).The CIC cannot remain indifferent to the fact that disclosure of certain categories of information is fraught with the potentiality to expose third parties to wholly avoidable risks and dangers, which such disclosures could entail. The CIC has found it dismaying that parties involved in private litigation use the provisions of RTI Act to gain an edge.RTI act is meant to serve much superior and larger purpose.	CIT-II, Tiruchirapalli
1.23	2007/0058 5 and 00591 10/08/07	Bijay Singh Baid Mumbai	Information about a Firm and a HUF on the ground that the applicant is a partner/coparcener	Income Tax returns of any assessee cannot be and should not be disclosed to an applicant as it is barred u/s 8(1)(e) and (j).no public purpose cited to persuade the commission to revisit the disclosure requirement.	CIT-XIV Mumbai
1.24.	2007/0064 2 21/08/07	AVDeshpand e Mumbai	Details of brother's return of income to obtain information about sale of ancestral land	Consistent with the earlier decisions of the Commission it is held that in the present matter there shall be no disclosure liability as regards the information requested by the appellant.	CIT-II Mumbai

2.TRUST

2.1	309/IC (A)/2006 28.9.2006	Pranesh Chaitainya Jalpaiguri	Information relating to Trusts	The CIC held that the information sought include both the documents like audit reports created by the public authority and the papers like trust deeds submitted along with the I.T. returns. The CPIO is expected to provide only those documents that are due to public action. The personal information of the third party may not be disclosed u/s 8(1)(j) of the Act.	DIT Exemption Kolkata
2.2	506/IC(A)/07 31.1.2007	Devki Devi Foundation New Delhi	An MoU of the third party.	The CIC held that in this case the CPIO and the appellate authority have erred to disclose the document of a third party even when they did not obtain concurrence u/s11 (1) of the Act. However, in the spirit of providing openness information to be given while withholding sections of commercial and business details.	DIT Exemption Delhi
2.3	538/IC(A)/07 12.2.2007	Sh. Mubeen Khan New Delhi	Copies of documents submitted by a Trust as well as the grant of exemption	Copy of exemption given however the document submitted by the third party, a Trust has been denied after seeking it's concurrence u/s 11(1) of the RTI Act, which is justified. Upheld by CIC	DIT (Exem) Delhi
2.4	CIC/AT/A/06/ 00584 20.2.2007	Sh. Tarun Patwa New Delhi	The case law on the basis of which he could challenge assessment orders given by other branches of the public authority in the matter of determination of Income Tax liability for Trust.	The CIC held that the intent here seems to be to use the public authority not only as a sounding board but also as the appellant's consultants and advisors to inform them about the congruence in terms of details of the cases decided by the various branches/officers of the public authority. The RTI Act does not enjoin that any public authority perform this function.	DIT Exemption Delhi
2.5	CIC/AT/A/20 07/00577 11 th July 2007	Dr.G.Ravi, Vellore	Details of Exempt income of a society and other details Queries on exempt income	Information pertains to third party cannot be given. As regards queries on exempt income The RTI Act does not enjoin the public authority to be used as consultants to advise the appellant about how to interpret specific provisions of the IT law.	DIT- Exemptions Chennai

3.SEARCH

3.1	150/IC(A) /2006 31.7.2006	Sudhir Madhav Joshi Pune	Information relating to the searches carried out on educational institutions.	The CIC upheld the decision of supply of Partial information on the ground that divulging any further details was likely to impede the progress of investigation .8(1)(h) applied.	DGIT (Inv.), Pune
3.2	296/IC (A)/2006 21.9.2006	G.P. Pathak Jabalpur	Copy of 'Note of Satisfaction for search.	The CIC held that the disclosure of information sought would identify the officials. The matter is also under investigation. Correctly applied exemption u/s 8(1)(d) & (h) of the Act.	CIT, Jabalpur-I
3.3	491/IC(A)/07 25.1.2007	Sh. Dhiraj Manilal Thakkar Ahmedabad	Details of the raid on Acharya Groups of Companies and assessment orders.	Information sought relate to the search and seizure documents and Income Tax assessment orders. The disclosure of these is not in the public interest. Therefore, the CIC held that the exemption claimed by the CPIO u/s 8(1) (j) of the Act is justified.	CIT-I Ahmedabad
3.4	504/IC(A)/07 31.1.2007	Sh. P.R. Kapasiyawa la Surat	Copy of the enquiry report.	The statements recorded by the income tax officers in relation to the enquiry conducted by them are exempt from disclosure u/s 8(1)(e) of the Act, since the documents are submitted and the statements are recorded in fiduciary capacity. The CPIO is, therefore, justified in denying he information sought by the appellant u/s 8(1)(j) of the Act. However, CIC held that the enquiry report prepared by the respondent is purely an outcome of public action. Therefore, this report is to be put in public domain.	DIT (Inv) Surat



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3.5	561/IC(A)/07 21.2.2007	Sh. Sudhir Madhav Joshi Pune	Copies of panchnamas with respect to search and list of names and addresses of witnesses.	As already decided in a similar appeal, Decision No. 491/IC (A)/2006 dated 25.01.2007, the disclosure of the documents relating to search and seizure operation, mainly the panchnama is not in public interest, as the process of investigation by the investigating Agencies and tax assessing officers are in progress. Therefore, exemption claimed by the CPIO and appellate authority u/s 8(1)(g),(h) and (j) is justified. However, a brief progress report on the status of the search should be given.	DIT (Inv) Pune
3.6	2007/00018 Dt. 26.2.2007	S.P. Goyal, Ludhiana	Information regarding search and action taken on applicant's earlier application along with copy of applicant's earlier application.	The applicant is at the receiving end of law enforcement function and has retaliated by writing a spate of letters to that public authority in connection with that act of law enforcement. The public authority was right in declining the information to him. The denial of the certified copies of the letters written by the applicant himself to the public authority is also sustainable in law in so far as the appellant is himself the custodian and originator of those letters. These cannot be said to be in the exclusive control of or held exclusively by the public authority.	DGIT(Inv.), Ludhiana
3.7	2007/00012 19/03/07	Sanjeev Dewan, Meerut	File pertaining to search	The third party had given its consent .It was held that the information should be disclosed after taking a list of the precise documents from the applicant and the information about the period of investigation should also be given.	DIT(Inv) Kanpur
3.8	2007/00017 Dt 28/03/07	S.P.Goyal Ludhiana	Inspection of all files relating to search on applicants group concern	Section 8(1)(j) attracted. Also 8(1)(g) because routine disclosure would compromise the very edifice of trust and confidentiality built over years between those providing information and those in the public authority receiving it .	DIT(Inv) Ludhiana
3.9	2007/00305 Dt 17/05/07	Kuldeep Singh, Ludhiana	Copy of information which led to search and copy of opinion	The investigation was still underway and therefore 8(1) (h) and 8(1)(g) rightly applied. Information on which search is carried out is confidential in nature in so far as it involves the deposition of witnesses and informers. Disclosure of this variety of information will unduly expose all those who help the public authority in its law enforcement functions to wholly avoidable risk and physical danger.	Commissioner of Central Excise , Ludhiana
3.10	2007/00050 Dt 28/05/07	S.P.Goyal Ludhiana	Disclosure of pre seizure information	No one was present from respondent therefore the appeal was decided in favour of the appellant. It was decided that the respondents may withhold documents which may disclose identities of their informants, sources and witnesses and rest of the files should be disclosed.	DIT(Inv) Ludhiana
3.11	2007/00344 Dt 13/06/07	S.P.Goyal Ludhiana	Information pertaining to search on applicants group	Information to be given. The CIC took strong note of the absence of the CPIO and the AA with directions to the CBDT to issue instructions to the Errant officers who should be disciplined for their default and should abide by the instruction of the CIC without fail.	DIT(Inv) Ludhiana
3.12	2007/00068 Dt 25/06/07	U.V.Nayak Mangalore	Information pertaining to Search of third party along with copy of third party objections	Exemption rightly applied but the copy of objection of the third party to be given to the applicant	CIT(Central) Bangalore
3.13	CIC/AT/A/20 07/00007 CIC/AT/A/20 07/00010 CIC/AT/A/20 07/00011 10.7.2007	Shri Shankar Sharma, Mumbai M/s First Global Stockbroking Pvt. Ltd., Mumbai Ms. Devina Mehra, Mumbai	Information regarding reason to search Shankar Sharma and the information in possession of the officer on the basis of which the said reason to believe was formed.	The technical distinction between "investigation" and "inquiry" which is peculiar to the criminal cases does not apply elsewhere. The technical definition of 'investigation' one finds in Criminal Law cannot be imported into RTI Act. ...Logically, no investigation could be said to be complete unless it has reached a point where the final decision on the basis of that investigation is taken. In that sense, an investigation can be an extended investigation. In the case of the Income Tax Department investigation into tax evasion can be said to be over or complete, only after the final adjudication about the tax liability had been made after the matter has gone through all the stages of appeals and revisions as well as a final decision about prosecuting or not prosecuting that person has been taken by an appropriate competent authority. The respondents are, therefore, right in holding that it would be a misnomer to hold that investigation in matters such as this, the moment the Investigating Officer submits his report to the competent authority spells the end of investigation.	Director of Income (Inv)- II, Mumbai

4.INFORMER REWARD

4.1	260/IC(A)/2006 12/09/06	PJ Mishrikotka Amaravati Nagpur	Information regarding own statement given by the informer and complete details of tax recovered subsequent to these search	Information was denied on the basis that the third party had not given consent.CIC strongly held that this approach is wrong and information should be given.	DIT(Inv) Nagpur
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4.2	2007/00307 Dt 31/05/07	Amol,Ganpat Rackvi,Vasai	Information regarding Reward	It is not open to an applicant to seek explanation, advice, opinion, or to force a public authority to take a decision in any matter by using the provisions of the RTI Act. The information solicited does not qualify to be request under 2(f) therefore the appeal was rejected. Moreover the information also pertained to the assessment of third party therefore exempt under 8(1)(j) of the Act.	DIT(Inv-II),Mumbai
4.3	2007/00295 Dt 27/06/07	Amol Ganpat Rackvi,Vas	Information regarding applicants reward	The queries are more in the nature of questionnaire based on appellants surmises and conjectures which the public authority was not obliged to answer.	DIT(Inv-II) Mumbai

5. TAX EVASION PETITIONS

5.1	34/IC(A)/06 04.05.06	Pushpinder Paul Kaur Rana. New Delhi	Investigation made by the IT Department on the tax evasion on account of sale transaction of a property	The CIC held that while the investigation are going on disclosure of the investigation report is barred u/s 8(1)(h), however the petitioner should be informed about the action taken after the completion of investigations.	DGIT (Inv) Delhi.
5.2	33/IC(A)/06 04.05.06	Rakesh Agarwal New Delhi	Copy of the tax return filed by a certain person and copy of investigation report of TEP	The CIC held that the appellant has sought information about tax returns filed by a third party and a copy of investigation report that is still in progress. The appellate authority has correctly applied Sections 8 (1) (j) and 8(1)(h) for exemption of information from disclosure,	DIT(Inv)New Delhi.
5.3	37/IC(A)/06 12.05.06	Rahul Chandrakant Bharatee Dhule, Maharashtra	Income Tax returns of third party on the ground that it adulterates diesel and petrol	The CIC held that Income Tax returns are personal information u/s 8(1)(j) as they are submitted in fiduciary capacity. Without the concurrence of third party the disclosure of such information is barred. There is no direct relationship between malpractice of "adulteration of diesel and petrol and IT returns. Appeal dismissed.	CIT - II, Nashik.
5.4	50/IC(A)/06 01/06/06	Rakesh Kumar Gupta Delhi	Information pertaining to TEP filed by the applicant	The CIC held that Investigation on the TEP is in progress therefore exemption from the disclosure u/s 8(1)(h) has been correctly applied by the CPIO, however the petitioner should be informed about the action taken after the completion of investigations.	DGIT (Vig)New Delhi.
5.5	103/(C(A) (A)/2006 12.7.2006	Rakesh Kumar Gupta Delhi	Information relating to the tax evasion petitions (TEP) and other representations	The CIC held that the appellant has in general sought the opinions of the CPIOs through queries that require replies in the form of 'yes' or 'no'. There is hardly any attempt by him to identify or specify the document, which he needs except the reports of the TEP investigations. And wherever he has been able to specify them, permissible documents have been given to him. Personal information and the documents relating to on-going investigations cannot be disclosed, as per the provisions of the Act.	CCIT, Delhi (Central)
5.6	143/IC (A)/2006 25.7.2006	Ravindra Mahadev Desai Pune	Certain information relating to tax evasion petition.	The CIC held that the application for information relating to the sources of income of other persons or organization and issue of donation receipts have not been properly dealt with by the IT Department. The details of sources of income, etc, are 'personal information' the disclosure of which has nothing to do with public action.	CIT(Tech- III), Pune
5.7	2007/00009 Dt 02/03/07	Yamaji Sakharam Rathod, Nanded	Information regarding a tax evasion by a third party	The information was denied under section 8(1)(j) of the RTI Act but the CIC held that tax evasion cannot be said to be a personal matter of the tax evader. The evasions involve public money and are therefore related to public activity and have a public purpose .The appellant is entitled to a response from the public authority about the status of the action on his petition.	CIT- Aurangabad
5.8	2006/00631,0 0633,00636,0 0640-17/04/07	Milap Choraria, Kolkata	Information regarding Tax evasion by certain concerns	Wherever a public authority prepares a report following an enquiry, open or otherwise, and if there is no pending ongoing investigation, then the enquiry report should be disclosed after deleting from it all references which may attract exemptions of section 8(1) (g).	DIT(Inv) Kolkata
5.9	2006/00648 Dt 04/04/07	Anil Kumar Sharma	Certified copy of the written statements of the Directors during survey	Information was denied u/s 8(1)(d) and also because it was third party information. The CIC held that it has been a consistent view that result of enquiry conducted by a public authority should be given to the person making the request deleting from it the names of the informer etc u/s 10(1) ,or the info may be denied if the investigation is in progress .The CIC has steadfastly declined to disclose information of depositions, sources of information received by the public authority, statements by witnesses etc u/s 8(1)(g).	CIT- Jabalpur



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5.10	2007/00317 Dt. 17.5.2007	Amol Ganpat Rackvi	Copies of assessment order and other details on the ground that there has been tax evasion.	Income-tax Returns filed by assesses before the Income Tax Authorities are personal as well as fiduciary entrustment and attracted the exemptions under section 8(1)(e) and Section 8(1)(j) of the RTI Act. Since most of the Income Tax Returns also contained commercial information for enabling the Income Tax Department determine the tax liability flowing from it, such Returns should also attract provision of Section 8(1)(d) of the Act. Extreme caution is to be exercised before such information is to be divulged as it may have serious implications for the privacy of the individual as well as his competitive commercial interest. Such information, which is decidedly personal to the individual, could not be authorized to be disclosed on a third party's specious conjecture that the assessee was somehow guilty of tax evasion. Allowing strangers, however well-meaning, the access such privileged information furnished by the assesses to their public authorities, shall not only be a gross intrusion into the privacy of the individuals, but also be a sure	CCIT, Mumbai
5.11	2007/00282 Dt 28/05/07	Rajesh Bhatia, Hyderabad	Details of tax evasion	The matter was still undergoing enquiry and therefore the information in the present shape cannot be disclosed. Whether it can be disclosed after the assessment has been finalized and the tax liability determined, is a matter which can be taken up at an appropriate time, should a petition for disclosure of information be made to the CPIO at that time.	Addl CIT- Hyderabad
5.12	CIC/AT/A/20 07/00464 9.7.2007	Shri Bhushan Kumar, Faridabad	Information relating to Investigation carried out in tax evasion petition of a third party.	Information relates to the Income Tax Returns of the assessee and the assessment of tax liability thereof. A plea of public interest in disclosing this information needs to be subjected to strictest scrutiny before it can be accepted. Disclosure of income and expenditure related information of a given assessee found in the income tax return, or as determined by the I.T.O./Assessing Officer, if made public have the potentiality to expose that assessee to grave danger from unscrupulous and criminal elements. Therefore, the Commission has very rightly decided that income-tax assessment related information of an assessee must be allowed to remain undisclosed. A petition cannot gain access into the privileged and personal information, such as the Income Tax Return of an assessee through the simple contrivance of filing a complaint and demanding a response from the public authority about action taken on that complaint. This will virtually reduce to a nullity the Commission's own decision that Income Tax Returns and related information were not liable to be disclosed.	CIT Patiala
5.13	00494/2007 30 th July 07	K.L.Bansal Delhi	Action taken on the TEP -whether case reopened if not reasons for same	It was informed that the case was being processed and will be reopened if necessary. It was pointed out by the I.T. Dept that it shall be physically impossible for the Dept to inform every tax evasion petitioner about the final outcome of the action on his TEP. It was further pointed out that the third party had objected. The order of the appellate authority was upheld by CIC.	CIT-XI, Delhi

6.POLICY DECISIONS

6.1	CIC/AT/A/20 06/00444 13.12.2006	Anil Bharadwaj New Delhi	Information on exemption on excise duty to states like Himachal and Uttaranchal	The CIC held that all materials, which go into making of the Union Budget, or any aspect of it are barred from disclosure under Section 9(1)(a) of the RTI Act. The question whether it is possible to sever sensitive part of the information covered by exemptions from the non-sensitive part and the interest of the third parties was remitted back to CPIO for de-novo examination.	CPIO, TRU
6.2	379/IC (A)/2006 23.11.2006	Subhash Chandra Jharkhand	Certain information in the form of queries	The CIC held that a CPIO is responsible only to furnish the information available in his office. In view of this, the advice given by the CPIO that he should put up his application for information to the concerned CPIO, after ascertaining the availability of information required by him is justified. Therefore, the complainant should identify and specify the information required by him and accordingly submit the application to the concerned CPIO	CBDT, New Delhi
6.3	2007/00115 Dt 05/04/07	Jatinder Kumar Aggarwal	File notings pertaining to the issue of Notification	It was held that File noting of open files(not budget files) should be disclosed .If the respondents wish then as per provisions of section 10(1) the names and other details may be deleted .	DS(CX-4), CBEC
6.4	2007/00378 Dt 28/05/07	Vikas Agarwal Rajasthan	Definition of manufacture and the reason for difference in the meaning in the Finance bill and Income Tax Act	The Information solicited was about interpretation of laws and acts as well as policies.RTI Act could be invoked only for receiving genuine information and could not be used as a tool to make a public authority provide to the appellant interpretations, explanations and give decisions in matters.	Dir TPL- IV CBDT
6.5	2007/00533 & 00534 30 th July 2007	G.N.Lakhan pal , Retd ITO Himachal Pradesh	Queries regarding assess ability of pension	The queries are not regarding information but are about interpretations which is not covered by section 2(f) of the RTI Act .	OSD(ITA- I)

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7.1	35/ICBP/2006 23/06/06	Mahendra Gaur Jaipur	Inspection of files and file notings in connection with complain regarding malpractice of sale of 2T oil	Though the inspection of file was allowed but the inspection of file notings was not allowed on the basis of clarification given in FAQ of DoPT website. CIC held that the inspection of file noting should be allowed and requested DoPT to remove its clarification from the website. NOTE: -Till date i.e. 4/10/07the clarification has not been removed by DoPT from its website though in many more cases the CIC has held that inspection of file notings should be allowed.	Dept of Consumer affairs
7.2	CIC/OK/A/2006/00268-272 29.12.2006	S.K. Lal Faridabad	Information on various matters.	The CIC strongly held that the information asked for is frivolous and even bordering on the absurd. In most of the cases, the Appellant has asked for ALL THE RECORDS regarding various service and categories of staff in the Railways, which actually mean nothing and only amount to making a mockery of the Act. It must be remembered that though the Respondents are duty bound to supply information asked for by the Appellants, the Appellants are also required to keep in mind the objectives of the RTI Act as outlined in the Preamble to the Act: and that is, to introduce the elements of transparency and accountability in the functioning of the public authorities and to contain corruption. The Commission failed to appreciate how these objectives would be met with if the Applicant asked for such diverse and lengthy information, which seemed to be designed only to put the public authorities under undue and uncalled for pressure. The Commission dismissed the case as frivolous and inconsequential.	Min of Railways
7.3	511/IC(A)/2007 5.2.2007	Sh. Shivaji Pandurang Raut, PUNE	Information relating to the details of assessed and paid taxes by the people in Satara district	The denial of information relating to collection of taxes is not justified. The CPIO is therefore directed to furnish the information sought by the appellant without disclosing the identities of individual taxpayers.	CIT (Pune)
7.4	2007/00493 Dt 25/06/07	Nagendra Prasad Allahabad	Reasons for non payment of bills	Ordinarily such interoffice disputes are settled within the organisation itself. And it does not fall under the definition of information u/s 2(f)	Dy Controller of accounts, Kanpur
7.5	2007/00616 3 rd August 07	Dilipkumar Ramanlal Shah Ahmedabad	Copy of challan of payment to I.T.Dept	In this case a person had defrauded Mrs Fernandez by claiming to be an Income Tax consultant and collecting Rs 15000/ to file return and to pay penalty and interest. However no evidence of same was given. It was held by CIC that this was a private transaction and the applicant should use other available legal avenues for relief. The Public authority should not entertain an RTI request of this nature.	CIT- Ahmedabad

8. PROCEDURAL MATTERS

8.1	F.No. CIC/MA/2006/00636	11.09.2006	Sh. A. Santosh Mathew New Delhi	The main issue raised by the appellant is whether the CPIO should collect the information, which is not available in his office, from other public bodies and furnish to the applicant. On this issue the Commission has already observed that: (Decision No. 216/IC (A) 2006.)"Transparency in functioning of public authorities is expected to be ensured through the exercise of right to know, so that a citizen can scrutinize the fairness and objectivity of every public action. This objective cannot be achieved unless the information that is created and generated by public bodies is disclosed in the form in which it exists with them. Therefore, information is to be provided in the form in which it is sought, u/s 7(9) of the Act. And, if it does not exist in the form in which it is asked for and provided to the applicant, there is no way that proper scrutiny of public action could be made to determine any deviations from the established practices or accepted policies". Thus, a CPIO is expected to provide the information available with him. He is not required to collect and compile the information on the demand of a requester nor he is expected to create a fresh one merely because someone has asked for it. Because, such attempts would not allow for scrutiny of public action to detect and determine the nature and extent of deviation from the accepted polices. In view of this, the order passed by the appellate authority is fully justified. A CPIO may, however, forward the application for information under intimation to the requester to the public	DoPT
8.2	2007/00009 9 Dt 09/04/07	Milap Choraria, Kolkata	Information pertaining to third Parties and procedure of appeal	In the first round of appeal before Appellate Authority the matter was sent back to the CPIO. When the Information was refused by CPIO the applicant came directly before CIC. It was held that the applicant should not skip the intermediary stage of the appeal and file appeal directly before CIC simply because had already come before AA once. The RTI Act makes it very clear in section 19(3) that the second appeal to the commission lies against the decision u/s 19(1) which vests the power to hear the first appeal in the appellate authority	CIT-XII, Kolkata
8.3	2007/00160 Dt 25/04/07	Ketan Modi Mumbai	Information regarding an ongoing investigation	Denied as the investigation was going on. However the CIC held that The appellant had absolutely no reason to make derogatory remarks about the officials of the public authority.	DG(Central Excise Intelligence) Delhi



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8.4	2007/00043 Dt 27/04/07	R.P.Pandey a, Delhi	Information regarding earlier petitions	Details of earlier petitions were not given .The appellant was asked to give earlier references, against which he filed the appeal. Upheld by CIC	DS(Ad-VI) CBDT
8.5	2007/00037 Dt 14/05/07	S.V.Kulkarn i, Thane	Information not given because the application had not reached CPIO	The original petition had not reached the CPIO nor was there any evidence of the same with the applicant .The information was promptly given as soon as the notice of CIC reached the CPIO and he became aware of the application .It was held by the CIC that there is a reasonable cause to believe that the inability of the CPIO to respond to the RTI request was wholly unintended.	CBEC
8.6	2007/00280 Dt 28/05/07	Asis Kumar Panda, Bhubaneswar	Delay in disposing appeal	The CIC took a very strong view of the delay and issued a show cause as to why a compensation of Rs 20,000/ should not be awarded to the appellant (delay from 21/9/06 to 27/2/07).There was delay at the level of CPIO also .The CPIO was directed to furnish a detailed report about the delay and to fix responsibility.	JS(Adm) CBEC
8.7	2007/00301 Dt 31/05/07	Rasiklal shantilal Mardia, Ahmedabad	Whether an officer holding additional charge can function as CPIO also	When an officer is designated as a CPIO in a given unit or office unless otherwise provided any incumbent of that particular office should be construed to be CPIO for that specific office. This would include the temporary, incharge incumbent as well.	Chief Commissioner Central Excise ,Mumbai
8.8	2007/00497 11 th July 2007	G.N.Lakhan pal , Retd ITO Himachal Pradesh	Action taken on grievance petition (Reward)	It was claimed that the file was lost .The CIC directed that the file should be reconstructed and reply given within 6 weeks of the receipt of the order.	CIT-Jalandhar
8.9	2007/00143 30 th July 2007	Ashish Kanpur Amritsar	Appeal filed before CIC but the first appeal was not filed	It was directed that the first appeal should be filed and decided before coming to CIC. The appellate authority was directed to condone the delay.	CIT-Amritsar
8.10	2007/00162 30/07/07	Jai Narain, New Delhi	No reply to RTI application nor to the appeal	The CPIO took the plea that he was under the impression that it was redressal of personal grievance of a read notice server through the complainant. The CIC held that there has been unexplained delay which shows negligence and inaction .Penalty of Rs 25000 imposed on the CPIO and notice was given to the appellate authority for show cause as to why the penalty should not be imposed on her also.	CIT-Hisar

9.SERVICE RELATED MATTER

9.1	01/IC(A)/06 16.2.06	Ashok Kumar Aggarwal Lucknow	Certified copies of certain files relating to prosecution	The CIC held that the matter is subjudice and the Appellate Authority of the Department of Revenue has correctly applied the exemption from disclosure of information under Section 8(1) (h) of the Act. The appeal was therefore dismissed.	Department of Revenue.
9.2	02/IC(A) 22.02.06	Mukesh Kumar Lucknow	Request for details of annual immovable property returns of an IRS officer	The CIC held that the information requested for is in the nature of personal information, the disclosure of which may cause unwarranted invasion of privacy of the individual officer. The exemption from disclosure of information under Section 8(1)(j) of the Act has therefore been correctly applied by the appellate authority. Appeal was dismissed.	Department of Revenue.
9.3	44/IC(A)/06 24/05/06	G.M Chauhan Ahmedabad	Information regarding vigilance inquiries	The CIC held that the appellant had sought huge information which in part relate to the opinion of CPIO, documents which are not exclusively in possession of the CPIO and information which is exempt u/s 8(1)(g) and (h). An information seeker should not seek the opinion of the CPIO. If the applicant's application is refused then the ground for doing so should be clearly indicated to justify the exemption from disclosure of information u/s 8(1) and 9 of the RTI Act.	CCIT - I, Ahmedabad.
9.4	F.No.CIC/AT/ A/2006/0003 901.06.2006	Sh. Govind Jha Delhi	Information regarding investigation in complaint	Disclosure of an investigation/enquiry report (as demanded in this case by the appellant) even before its acceptance/ rejection by a given competent authority will expose that authority to competing pressures which may hamper cool reflection on the report and compromise objectivity of decision-making. In investigations in vigilance related cases by CVOs or by departmental officers, as well as in all cases of misconduct, etc., there should be an assumption of continuing investigation till, based on the findings of the report, a decision about the presence of a prime-facie case, is reached by a competent authority. This will, thus, bar any premature disclosure, including disclosure of the report prepared by the investigating officer, as in this case.	Army HQs
9.5	60/IC(A)/06 12/06/06	Sanjay Singh Delhi	Copy of service book, details of income and property of a retd ACIT	The CIC held that the appellant had asked for access to file/record, which relates to personal information of another person the disclosure of which is barred u/s 8(1)(j). There is no overriding public interest involved in disclosure of personal information.	CCIT - I, New Delhi.



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9.6	F.No.CIC/AT A/2006/0006 9	Gopal Kumar 13/07/206	Queries relating to promotion policy,DPC, ACR etc	The ACRs are protected from disclosure because it harms interpersonal relationship in an organization. No public purpose is going to be served .On the contrary it can compromise objectivity of assessment .The ACRs are used for promotion, placing and grading etc which are strictly housekeeping and man management functions .A certain amount of confidentiality insulates these actions from competing pressures. While complete proceedings of DPC may not be disclosed proceedings of DPCs are to be disclosed with the principle of severability u/s 10(1) being applied in relation to ACRs. In case the request for information of an applicant is found to be unclear or vague, the applicant may be called for a meeting/hearing where he may be advised to state precisely what information he seeks. These may be listed by the AA/CPIO and the concurrence of the requester obtained for their wording and scope. This could then form the basis for the order of the CPIO as well as of the AA and will limit the scope for any confusion regarding what the requester wanted and what that	Army HQs
9.7	153/IC (A)/2006 31.7.2006	Ajit Kumar Singh Gujarat	Information regarding granting of Special Pay for Sr. DR.ITAT	The CIC held that the applications for such information relate to grievance matters arise from lack of proper system within the public bodies for their proper redressal. The strengthening of grievances redressal mechanism is therefore urgently called for to discourage such applications as this, which relate to service matters. It is equally important to adhere to the principle of maximum disclosure so that information sought is expeditiously provided.	CCIT, Rajkot-II
9.8	191/IC (A)/2006 21.8.2006	S.P. Singh Noida	Copies of documents from a file relating to the prosecution proceedings of the appellant.	The CIC held that since the process of prosecution, as per the established procedure, has been initiated, the decision of CPIO and appellate authority to claim exemption u/s 8(1)(h) from disclosure of information sought is justified.	CBEC, New Delhi.
9.9	253/IC (A)/2006 7.9.2006	Jyoti Shankar. Ghaziabad	Copy of the record of disciplinary proceedings, in the form of an inquiry report	The CIC held that the appellate authority has admitted that a copy of inquiry report and other related documents would be furnished to him after the necessary concurrence of disciplinary authority is obtained. The appellant is however aggrieved mainly due to tardy progress on the matter. He is therefore, advised to approach the competent authority for expediting the matter.	DGIT(Vig) New Delhi
9.10	265/IC (A)/2006 12.9.2006	S.K. Bansal Delhi	Information relating to the two charge sheeted officers of the Bank	The CIC held that there is an already established procedure for ensuring justice to the charge sheeted officers by way of providing opportunity for effective defence. The CPIO has therefore correctly applied exemption u/s 8(1)(j) of the Act from disclosure of information sought.	Reserve bank of India, Mumbai
9.11	285/IC(A)/06 20/09/06	Pradipta Dutta New Delhi	Reason for posting of ITO in L&R	The CIC held that u/s 4(1) the CPIO is directed to disseminate the information so that such applications are minimized. A CPIO is not expected to create and generate a fresh information because it is sought by the informant.	DGIT(L&R)
9.12	323/IC(A)/06 9/10/06	G.Sreekumar Menon Chennai	File notings in a vigilance case	The CIC held that the disclosure of information would reveal the identity of the officials which would endanger their lives and would also impede the process of investigation of the case. the matter is also pending before CAT and there is possibility of the applicant to seek justice from the court.	DG-Vig Customs
9.13	387/IC (A)/2006 24.11.2006	Sunita Santosh Kumar Nagpur	The appellant had sought certain information, including ACR's of her husband	The CIC held that the ACRs are confidential documents. Therefore, disclosure of ACRs are barred u/s 8(1)(d) and (e) of the Act.	CBDT, New Delhi
9.14	424/IC (A)/2006 8.12.2006	K. Gireesha Mysore	Reasons for discrimination in fixation of pay scale of officers	The CIC held that there are no provisions under the RTI Act for redressal of grievances relating to service matter. The appellant should have specified the information required by him, rather than seeking views of the CPIO on the issue of implementation of pay fixation policy	CBDT, New Delhi
9.15	446/IC (A)/2006 13.12.2006	N.A. Khan Bilaspur	Information relating to the details of entries and remarks in the ACRs of some other officers	The CIC held that the contents of ACRs, particularly the remarks made by the superior officers are treated as confidential information, the disclosure of which is barred u/s 8(1)(j) of the Act.	CCIT, Bhopal
9.16	CIC/AT/A/20 06/00470 9.1.2007	Mr. Saroj Kant Sarangi Rourkela	Copies of original DPC minutes, merit list, vacancy position and recommendation of DPC.	The request was turned down citing the exemption under Section 8 (1)(j). The CIC directed that Information may be disclosed to the appellant excluding the ACRs and/or the ACR grading.	CCIT Central Excise B'war



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9.17	F.No.CIC/AT/A/2006/0046 3 03.01.2007	Sh. Deepak J. Mehta Mumbai	-Copies of terms of vigilance -name of officer authorising the vigilance	Section 8(1)(j) exempts from disclosure personal information which have had no relationship to any public activity or interest.. The information pertains to no one but himself and hence is 'personal' as defined in Section 8(1)(j) of the Act. This information also has no relationship to any public activity .No amount of reference to victimization and concerted attempt to distract him from his role of whistle blower will succeed in removing this case from the orbit of exemption of Section 8(1) (j). The Commission is receiving several appeals from officers facing vigilance enquiries, departmental proceedings .To grant access into information the disclosure of which at a stage earlier than mandated by the rules of such enquires and investigations would cause the weakening of the investigation process or delaying it. The attempt in most cases, as in this one, is to know the names of those officers who recommend enquiries. There is an ever present danger of such disclosures exposing the officers. It is, therefore, important that confidentiality of certain types of information is maintained in the interest of the integrity of the investigation process as well as the officers who conduct the vigilance enquiry. A combined reading of Sections 8(1)(h) and 8(1)(j) unerringly points to the conclusion that the disclosure of the information as requested by the appellant must be barred not only as enjoined by these exemption clauses but also in the context of the preamble of the RTI Act which mandates containment of corruption as an avowed objective of the Act.	Addl DIT(Vig)
9.18	F.No. CIC/AT/A/2006/0050 0 16.01.2007	Sh. S.P. Goyal	Copies of complaint lodged by the applicant and action taken on the same.	The Commission has been approached by Government servants facing investigations, departmental action and other enquiries, to know the names of those who filed complaints against them. Such disclosures, if allowed, have the potentiality to put at risk the interest and the physical safety of those who file such complaints. There are specific provisions in various Laws, Rules, Orders and instructions regarding the entitlement of a person facing an enquiry, investigation or disciplinary action for documents, records, etc. What he can access and cannot access is also specified. On the other hand, the RTI Act makes an omnibus provision regarding disclosure of all variety of information to a requester, who can also be a person facing investigation etc., but quite cautiously limits this right through certain exemptions. The eligibility of such persons to access information as requested is to be determined under the provision of the RTI Act regardless of what the other Laws may prescribe. The two eligibilities are best examined independently. An employee facing disciplinary action at the hands of his superiors may wish to invoke the RTI Act to access the file/records in which his case may be dealt with, but will be hindered by the exemption provided under Section 8(1)(j) since the information sought would be personal to him with no relationship to any public activity or interest. The appeal is consequently rejected.	Indian Bureau of Mines
9.19	2006/00507 Dt. 29.1.2007	S.P. Goyal Mumbai	Information regarding enquiry report against an ITO.	Although the RTI Act forbids any enquiry into the motives of a person in seeking any information, when such large numbers of RTI-requests are filed by the same party in the same matter, not once but repeatedly, it is but natural for one to wonder whether the RTI Act is being used to distract the public authority and officers of that authority from discharging their duties, which some interested parties may find disagreeable. In the present case, decidedly there is no protected interest because the public authority is currently investigating its own officer and his conduct, rather than attempting to protect his interest. Further, there is no public interest which is going to be served by pre-mature disclosure of information pertaining to an ongoing investigation only to meet the requirements of an interest party, which in this case is the appellant himself. It is, therefore, very clear that the present information requested does not attract the proviso of Section 8(2) of the RTI Act.	CCIT-II, Mumbai
9.20	CIC/AT/A/2006/00678 26/02/07	Subhash Chandra Jharkhand	Many issues along with comments made in the Applicants ACR	Most of the information was given and part of the query was transferred to the concerned officer .The comments of ACR was not disclosed .The CIC upheld the order of the appellate authority.	CCIT-Patna
9.21	CIC/AT/A/2006/00643 26/02/07	B.Premanand Tamil Nadu	Copies of FIR,chargesheet of Shri Adikesavalu,	The applicant has come directly to CIC without going for the first appeal .The matter was not examined carefully whether the information asked for is part of ongoing investigation .The matter was set aside to the appellate authority with a direction to give hearing to the applicant and the third party.	CIT (Central) Bangalore
9.22	00463/3/01/07 03/01/07	Deepak J. Mehta Mumbai	Terms of reference to the vigilance in two cases and name & designation of officer authorizing the	Upheld the application of 8(1)(h) and (j) because the enquiry proceedings are under way. Information sought is personal and not public. Confidentiality of certain information should be maintained in the interest of the investigation process as well as officers who conduct the vigilance enquiry.	DGIT(Vig)



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9.23	2006/00657 28/03/07	B.Shanthi Kumar, Hyderabad	Minutes of placement committee relating to transfer and posting of Addl CITs	All elements comprising the DPC proceedings do not attract the exemptions. It should be possible to sever the parts which can be disclosed from the other parts which need not be disclosed and then the information be made available to the appellants. *This order has been stayed by A.P.High Court (W.P.09007 of 2007 dt 26/04/07)	CCIT-I Hyderabad
9.24	2006/00140 Dt 03/04/07	Radha Raman Tripathy Bokaro	Order of delegation of power to Addl CIT	There was delay of about two months but the penalty was not imposed as the delay was due to reasonable cause(Officer on leave and on return searched for the exact information). However the fee was refunded looking into the delay. A blind adherence to the words of the act to impose penalty for the slightest infraction of the time limit provision would neither serve the cause of truth ,nor will it promote transparency....The purpose of the RTI Act is not to beat employees of public authorities into abject submission through indiscriminate invoking of the penalty provisions, but to promote transparency in the Government's functioning and voluntary compliance by public authorities.RTI Act is not a punitive instrument but an enabler.	CIT- Hazaribagh
9.25	2007/00029 Dt 14/05/07	R.D.Shinde, Mumbai	Name of seven officers not included in the seniority list	The precise information was not given i.e. the names as the same was not clear from the file. A warning was issued but no penalty was imposed as there was no mollified in his actions.	CBEC
9.26	2007/00229 Dt 14/05/07	Sudesh kumar,Delhi	Agreed list of group B officers of the I.T. Dept of Delhi zone	Only limited information about the number of officers who hold sensitive post in spite of their name in agreed list should be given along with the name of appointing and the transferring authority .There will be no obligation to give name of the officers in the list in any given year.	DG(Vig),Cust oms and Central Excise, Delhi
9.27	2007/00244, Dt 15/05/07	Ashok Vijaywargiya Gwalior,	File of complaint against applicant and copy of report sent by CIT to CCIT	It was held by CIC that though the file in which the complaint against the appellant was dealt with could be barred from disclosure under 8(1)(g) the enquiry report must be disclosed after severing the names of deponents, witnesses which would attract 8(1)(g) of the Act	CIT, Gwalior
9.28	2007/00246/ Dt 18/05/07	J.P.Sharma Mumbai	Information regarding action taken on the basis of complaint filed by the applicant	The verification process is underway. The applicant is seeking response of the respondents rather that information as defined under section 2(f)of the RTI Act.	DS(V&L),CB DT
9.29	2007/00313 Dt 28/05/07	R.P.Pandeya Delhi	Reasons for stopping the pay and other related queries	The RTI Act does not authorize an applicant to receive explanations disguised as queries for information. the appeal was rejected.	Dir(Ad-VI) CBDDT
9.30	2007/00224 Dt 28/05/07	Jyoti legha Delhi	Information of DPC proceedings and other details	The DPC proceedings should be disclosed but all material connected with ACR and ACR grading shall be deleted by applying the severability provisions of section 10(1) of the RTI Act. As regards the other queries they are in nature of soliciting explanations therefore it does not fall under the definition of information. The request for providing her reasons for not promoting her is not required to be given under RTI Act.	Dir-AdVI CBDDT
9.31	2007/00191 Dt 31/05/07	Subhash Chandra, Bokaro	Information regarding the handing over of papers by CIT(A) Jamshedpur and details of additional evidence given to CIT(A) by the ITO	Though the Information was given to the applicant but it was held by the CIC that Information does not include explanations, reasons and decisions. In this case there was no obligation to disclose the same.	CIT-Ranchi
9.32	2007/00190& 291 Dt. 8.6.2007	Subhash Chandra, Bokaro	Explanation of his successor about the action taken on handing over note.	As the RTI regime is evolving, more unanticipated chinks in the structure are manifesting. It needs, however, to be remembered that the current thinking is, that civil servants should not be stopped from bringing out into the open, acts of favouritism, nepotism, corruption, etc. within an organization. There are, however, other laws, under which, a civil servant can achieve e the objective of exposing corruption in his own organization. He can take resource to the institution of Vigilance Commission or the Whistle Blowers' Resolution, both of which enable a public servant to bring to the notice of the competent authority the dubious acts within the organization which he comes to notice.	
9.33	2007/00351 07/06/07	R.P.Pandeya, Delhi	Copy of note sheet with regard to stopping the Pay and related orders	It was directed that that the appellant should be allowed to inspect the file and the file noting from which the names and designation of the officers may be covered the CIC took strong note of the language used and strongly discouraged the use of offensive language in petitions .Use of RTI appeal to abuse and discredit shall never be allowed.	CIT-Ranchi



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9.34	2007/00443 10 th July 2007	R.P.Pandeya Delhi	Reasons for delay in giving post retirement benefits (the language in the application was very harsh)	Inspection of records was allowed in presence of two witnesses and directions were given to pay the retirement benefits with a compliance report to CIC .However it was remarked that Civil servants serving or retired are expected to be role model to others rather than set a wrong and vicious example,no matter what the provocation.RTI Act was not meant to provide a battle ground for venomous attacks and counter attacks with no regard for decency and decorum. It was not intended to become a tool in the hands of present and former Government employees to settle past scores, play out ancient grudges and resolve grievances-real or imaginary. CIC will need to seriously consider the line to adopt, when an appeal is converted into an instrument of slander.	CIT-Ranchi
9.35	2007/00131 23 rd July 2007	R.P.Pandeya Delhi	No response given deemed refusal	Since no reply was given by CPIO nor any response given to the notice of CIC therefore penalty u/s 20 was imposed.It was directed that the penalty of Rs 25000 should be recovered in three installments.	DS(V&L)
9.36	2007/00557 30 th July 2007	Mayank Chaturvedi Mathura	Details regarding action taken against officials in refund scam cases and name of other officials posted in that charge	Part information was given but name of other officials posted in that charge was not given .The CIC directed to give the information though agreeing that it may attract 8(1) (h).It was held that the principal purpose of the RTI Act is to bring into public notice all such matters in which employees of public authorities may not have covered themselves in glory in terms of abiding by the highest norms rectitude and integrity. Public scrutiny and knowledge of such actions is the key to a corruption free administration and accountable public service.	CIT-Agra
9.37	2007/00334 3/08/07	R.P.Pandeya Delhi	Action taken on 13 letters written by the applicant	Only 7 letters could be located. An omnibus reply was given instead of clear finding on each query. The matter was remitted to AA for denovo consideration and it was directed that the CPIOs should refrain from giving omnibus reply to specific queries. It is important that each query should be responded pointedly and clearly.	CIT-Ranchi
9.38	2007/00185 20/09/07	Jyoti Legha Delhi	1.Inspection of records and sharing of minutes of DPC/selection Committee meeting 2.Disclosure of complete records and proceedings relating to DPCs 3.Certified copies of guidelines relied upon the by this specific DPC	1. In 2006/00069 -13/07/06 Gopal Kumar vs. Army HQ it has been held that ACRs are barred from disclosure. Therefore while complete proceedings of DPC may not be disclosed proceedings of DPCs are to be disclosed with the principle of severability u/s 10(1) being applied in relation to ACRs. It was held that it is not for DoPT to give a ruling on the disclosability of the DPC proceedings These are disclosable under the RTI Act in the manner decided by the Commission whose decision shall be binding u/s 19(7) of the RTI Act. CPIO -UPSC was directed to arrange inspection of documents. 2. CPIO -UPSC was directed to submit a statement specifying reasons as to why the information retained in sealed covers is to be kept sealed and in what manner the protected interest by keeping this information confidential outweighs the public interest in the context of sec. 8(2) of the RTI Act. 3. it was directed that a copy of guidelines should be supplied to the appellant and UPSC should place these guidelines on its own website in conformity with sec. 4(1).	

Full Bench decisions

10.1	Appeal no. 2006/00588 dt 30/11/06 Date of order 9/7/07	Vibhor Dileep Barla Nashik	Various details of excise dues on a third party ,and details of excise inspection on the third party; details of other units	The CPIO provided certain information but held that many units are not registered with the Central Excise Department and as such no information is available. The CIC held that if the public authority does not hold information or the information cannot be accessed by it u/s 2(f) or if the information is non est. the public authority cannot provide the same under the Act. The Act does not make it obligatory on the part of the public authority to create information for the purpose of its dissemination . It also held that an opinion or advice if it is part of the record is information but one cannot seek from a PIO either an opinion or an advice .Making an analysis of data or deriving certain inference or conclusions based upon the data cannot be expected to be done by the CPIO under the RTI Act. It was directed that the factual information should be given and if it pertains to third party then procedure u/s 11 should be followed .The hypothetical questions cannot be answered. The CIC took note of the fact that the appellate authority decided the matter mechanically without making any analysis of the issues involved.	Central Excise and Customs Nashik
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Income Tax Department

Ministry of Finance, Government of India

10.2	2006/00586 18/9/07	Rakesh Kumar Gupta Delhi	(i) Copy of daily proceedings in a particular case (ii) Copy of ITAT decision (iii) Inspection of case records	(i) Section 4(1)(d) does not apply to a judicial proceedings conducted by a Court or a Tribunal as it refers only to administrative and quasi-judicial decisions of public authorities. (ii) The non-obstante clause in section 22 of RTI Act does not repeal or substitute any pre-existing law including the provisions of the Income Tax Act concerning dissemination of information. (iii) The appellant cannot take recourse to the RTI Act to challenge a judicial decision regarding disclosure of a given set of information, which properly belonged to the jurisdiction of that judicial authority. If the appellant is aggrieved with the decision of the ITAT the remedy lies elsewhere. (iv) RTI Act is not intended to come into conflict with a judicial decision regarding disclosure of information. Section 8(1)(b) makes it very clear that the information which has been expressly forbidden to be published by any court of law or Tribunal cannot be disclosed as any such disclosure is also within the exemption clause. (v) In the present case however no supporting documents have been furnished to support the claim that the Tribunal had passed an order rejecting the request of the appellant for inspection of the document. Therefore the case was remanded to the appellate authority with the following directions:- (a) if there is any judicial order of ITAT pronounced under the Income Tax Act as regards disclosure of the information sought by the appellant then the remedy shall be under the IT law and not under RTI (b) If there is no such judicial order then the first appellate authority will consider the appeal under the provisions of the IT Act read with the RTI Act and a speaking order will be passed within 15 days of receipt of this order.	ITAT New Delhi
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