

Central Information Commission

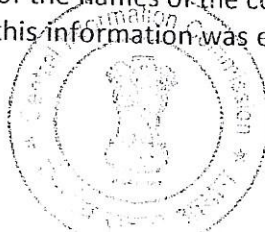
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Appeal: No. CIC/SM/A/2013/000455/DS

Appellant /Complainant : Shri M.G. Pednekar
Public Authority : Bhabha Atomic Research Centre
(Shri Govindankutty, PIO)
Date of Hearing : 30 October 2013
Date of Decision : 30 October 2013

Facts:-

1. RTI application dated 10 October 2012 was submitted by the Applicant before the CPIO, Bhabha Atomic Research Centre, Trombay, Mumbai- 400 085, to obtain information with regard to copy of complaint made against him along with names and signatures of the complainants, investigation procedure in respect of complaint, copies of statements obtained from others and other related information through 14 points.
2. Vide CPIO order dated 12 November 2012, point wise information was provided to the appellant. However, with regard to point 1 and 11 i.e., providing names and signatures of complainants and statement made by commuters of the bus, the CPIO held that the disclosure of same may endanger the life or physical safety of any person or identify the source of information. Hence the disclosure of the same is exempted under Section 8 (1) (g) of the RTI Act, 2005.
3. The aforesaid reply failed to satisfy the Appellant and he preferred appeal dated 27 November 2012 before the FAA.
4. Matter was decided vide FAA order dated 13 December 2012, by which the FAA disposed of the appeal and upheld the reply given by the PIO, BARC and after referring to CIC order dated 03/12/2012 in case No. CIC/SM/A/2012/000945 and Section 8 (1) (g) of the RTI Act, held that the names and signatures of the complainants as well as copies of the statements obtained from others during the investigation process are not to be disclosed, as the disclosure of same would endanger the life or physical safety of complainants or identify the source of information.
5. Not satisfied with the order of FAA, the Appellant had preferred second appeal before the Commission.
6. Matter was heard today.
7. Both parties were present at Mumbai and heard via videoconferencing. Appellant pressed for disclosure of the names of the complainants whereas the CPIO reiterated that the disclosure of this information was exempt under the provisions of section 8



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(1) (g) of the Act and that the applicant has already been provided with copy of the complaint submitted by the commuters.

Decision notice

8. After hearing both the parties Commission directs as follows:

Point 1: the CPIO will provide information regarding the total number of complainants who have submitted complaint against the appellant. The decision of the CPIO in denying the names of the complainants under section 8 (1) (j) of the Act is upheld.

Point 11: during the hearing, the appellant pressed for the disclosure of copies of the statements of other commuters of the bus which has been denied to him by the CPIO as per the provisions of section 8 (1) (g) of Act. Respondent has stated that all the commuters in the bus are employees of BARC and it would not in the interest of good administration to disclose this information to the appellant as the disclosure would lead to more acrimony between the employees who are colleagues. Commission accepts the plea of the respondent and upholds the order of the CPIO.

9. Appeal is dismissed.

Deepak Sandhu

(Smt. Deepak Sandhu)

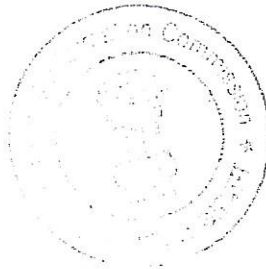
Chief Information Commissioner

Authenticated true copy:

Vijay Bhalla
(Vijay Bhalla)

Deputy Registrar

Tel. No. 011-26183996



Copy to:-

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First Appellate Authority under RTI
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Deepak

API 10
APPO (SAR)

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Smt Sandhu

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