

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office),**  
**Old JNU Campus, New Delhi - 110067.**  
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**Decision No. CIC/SG/A/2009/001436/4247**  
**Appeal No. CIC/SG/A/2009/001436**

**Relevant Facts emerging from the Appeal:**

Appellant : Mr. Sat Prakash Tyagi,  
S/o Bishamber Dayal Tyagi,  
H.No.38, Tyagi Mohalla  
Chhatter Pur,  
New Delhi-110074.

Respondent : Mr. Vipin Behari  
PIO  
Delhi Jal Board,  
**Govt. of N.C.T. of Delhi,**  
O/o the Secretary, Varunalaya Ph-II,  
Karol Bagh, New Delhi-110005.

RTI application filed on : 13/01/2009  
PIO replied : 11/02/2009  
First appeal filed on : 09/03/2009  
First Appellate Authority order : 13/04/2009  
Second Appeal received on : 09/06/2009

Sl.	Information sought	PIO's reply
1	As intimated vide letter no.DJB/Vig./RTI/2008/5970, dated 12.11.2008 that Anil Tyagi, JE informed on 20.6.95 about the criminal cases registered against him a) U/sec. 188 IPC & (b) U/sec. 323/452/506 IPC.	No information has been sought under this point.
2	First case u/s 308 was registered against Anil Kumar Tyagi on 07.11.1993 and as per Conduct Rule, it was his duty to immediately inform the department after registration of aforesaid criminal case. Action taken report on receipt of information about his involvement in the aforesaid case.	The matter is under investigation and as per Rule 8 (h) of RTI Act 2005, the information cannot be provided at this stage.
3	As per letter Anil Tyagi, JE had informed seven times about his involvement in criminal cases. Diary no. and date of his information diarised in the Diary Register.	Information sought under points 3 to 9 are not available in this office. This might have either in the office of concerned DDO or in Admn. Branch.
4	Photo copies of each page of Diary Register on which the information received from Anil Tyagi, J.E. was diarised.	
5	Action taken report on receipt of information from Anil Kumar Tyagi.	
6	Had Anil Kumar Tyagi, J.E .shown these in his verification form filled up by him at the time of his appointment/regularization in	

	Delhi Jal Board.	
7	Details of properties acquired by J.E. Anil Tyagi after his appointment in Delhi Jal Board.	
8	Details of properties acquired by J.E. Anil Tyagi after his appointment as J.E. in Delhi Jal Board.	
9	Whether J.E. Anil Tyagi had intimated/sought prior sanction of the competent authority on all occasions at the time of sale/purchase of said properties. Copies of applications submitted by him alongwith orders issued by the competent authority in this context may be supplied.	

**Grounds for First Appeal:**

Incomplete and irrelevant reply received from the PIO.

**Order of the First Appellate Authority:**

The First Appellate Authority ordered “It has been noticed that sufficient information has already been furnished to the Appellant. I uphold the order of PIO.”

**Grounds for Second Appeal**

Unsatisfactory order, upholding the incomplete and irrelevant reply of the PIO.

**Relevant Facts emerging during Hearing on 17 July 2009:**

The following were present:

Appellant: Mr. Sat Prakash Tyagi

Respondent: Mr. Vipin Behari, PIO

Third Party: Mr. Anil Kumar Tyagi

The Appellant states that he has filed the appeal since he wants the details for his queries 7 & 8 that is details of the property of Mr Anil Kumar Tyagi. The PIO will inform the Appellant about the status of the investigation. The PIO states that there is no diary number on the statements of Mr. Anil Tyagi, JE and others in this matter. The PIO states that the information on the assets of JE Mr. Anil Tyagi demanded in queries 7 & 8 should not be disclosed since, “the property returns submitted by the official are confidential documents and disclosure of this personal information has no relationship to the public activity or interest and hence denied under Section 8(1)(j).”

The third party Mr. Anil Tyagi states, “My personal property details and other allied details should not be given to the Appellant, who is already having many property dispute cases in different courts in Delhi with me. Such documents will be misused against me in the courts affecting the fair decisions in the court. Moreover we and all my family members are facing acute mental agony and fear of life from the Appellant. Such matters have already being informed to the Police also.”

The Appellant states, “I did not get the criminal cases registered against the third party. The charges being made against me are false.

**The Order is reserved during the hearing on 17 July 2009.**

## **Decision announced on 23 July 2009:**

The Commission can allow denial of information only based on the exemptions listed under Section 8 (1) of the act. The PIO has claimed that the information should not be disclosed since it is exempted from disclosure under Section 8 (1) (j).

Under Section 8 (1) (j) information which has been exempted is defined as:

"information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:"

To qualify for this exemption the information must satisfy the following criteria:

1. It must be personal information.

Words in a law should normally be given the meanings given in common language. In common language we would ascribe the adjective 'personal' to an attribute which applies to an individual and not to an Institution or a Corporate. **From this it flows that 'personal' cannot be related to Institutions, organisations or corporates.** ( Hence we could state that Section 8 (1) (j) cannot be applied when the information concerns institutions, organisations or corporates.).

The phrase 'disclosure of which has no relationship to any public activity or interest' means that the information must have some relationship to a Public activity.

Various Public authorities in performing their functions routinely ask for 'personal' information from Citizens, and this is clearly a public activity. When a person applies for a job, or gives information about himself to a Public authority as an employee, or asks for a permission, licence or authorisation, all these are public activities. The information sought in this case by the appellant has certainly been obtained in the pursuit of a public activity.

We can also look at this from another aspect. **The State has no right to invade the privacy of an individual.** There are some extraordinary situations where the State may be allowed to invade on the privacy of a Citizen. In those circumstances special provisos of the law apply, always with certain safeguards. Therefore it can be argued that where the State routinely obtains information from Citizens, this information is in relationship to a public activity and will not be an intrusion on privacy.

**Therefore we can state that disclosure of information such as assets of a Public servant, - which is routinely collected by the Public authority and routinely provided by the Public servants,- cannot be construed as an invasion on the privacy of an individual. There will only be a few exceptions to this rule which might relate to information which is obtained by a Public authority while using extraordinary powers such as in the case of a raid or phone-tapping.** Any other exceptions would have to be specifically justified. Besides the Supreme Court has clearly ruled that even people who aspire to be public servants by getting elected have to declare their property details. If people who aspire to be public servants must declare their property details it is only logical that the details of assets of those who are public servants must be considered to be disclosable. Hence the exemption under Section 8(1) (j) cannot be applied in the instant case.

In view of this the PIO's and the third party's claim for exemption of this information are not allowed. PIOs are advised to ensure that such information is provided to the Appellant within 30 days of receiving the RTI Application.

**Decision:**

The appeal is allowed.

The PIO will give the information on queries 7 & 8 to the Appellant before 10 August 2009.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this order will be provided free cost as per Section 7(6) of RTI Ac.

**Shailesh Gandhi**  
**Information Commissioner**  
**23 July 2009**

*(In any correspondence on this decision, mentioned the complete decision number.)*

(AK)