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केन्द्रीय रोपण फसल अनुसंधान संस्थान
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**CENTRAL PLANTATION CROPS RESEARCH INSTITUTE**
**(Indian Council of Agricultural Research)**
**KASARAGOD - 671 124, KERALA, INDIA**

No.F.17(1)RIB(3)/12-Estt. Dated: 12.12.2013

# CIRCULAR

The OM No.I1/2/2013 – IR (pt.) dated 14th August, 2013 regarding disclosure of personal information under the Right to Information Act, 2005 endorsed by the ICAR, New Delhi vide Endorsement F.No.(Admn.)I-12/2013-CR(A) & RTI dated 29.11.2013 is being uploaded in the Institute web site: www.cpcri.gov.in under link staff corner for information/reference. The said OM is also available in the ICAR Website www.icar.org.in This may be brought to the notice all concerned.

(Jayarama Naik K.M)
Administrative Officer &
Chief Administrative Officer i/c

Copy to:

1. The Head, CPCRI, RS, Vittal/Kayangulam
2. The SIC/Officer i/c, CPCRI, RC, Kidu/Kahikuchi/Minicoy
3. The Project Co-Ordinator(Palms), CPCRI, Kasaragod
4. The HOD,(PB & PHT)/Social Science/Crop Production/Crop Improvement/Crop Protection, CPCRI, Kasaragod.
5. The Public Information Officer/APIO, CPCRI, Kasaragod/Vlittal/Kayangulam
6. The Transparency Officer, CPCRI, Kasaragod.
7. The Programme Co-Ordinator, KVK, CPCRI, Kasaragod/Kayangulam
8. The Asst. Finance & Accounts Officer, CPCRI, RS/Kayangulam/Vittal
9. The Finance & Accounts Officer, CPCRI, Kasaragod.
10. Asst Adm. Officer (Estt.I/Estt.II/Bills/Stores/Estate/Accounts), CPCRI, Kasaragod
11. The Officer i/c of Institute web-site for uploading the above OM in the Institute web-site.
12. Confidential Section/PME
13. The Secretary, IJSC(Staff side), CPCRI, Kasaragod
14. Technical Assessment file
15. Institute web-site.
16. Notice Board(General/Adm./Farm.)

(143)

RIGHT TO INFORMATION

35

RTI Matter

भारतीय कृषि अनुसंधान परिषद
**INDIAN COUNCIL OF AGRICULTURAL RESEARCH**
कृषि भवन : नई दिल्ली
**KRISHI BHAVAN : NEW DELHI**

**F.No.(Admn.)1-12/2013 – CR(A)&RTI** **Dated : November 29, 2013**

ENDORSEMENT

Ministry of Personnel, PG & Pensions, Department of Personnel & Training, Government of India, New Delhi has issued O.M. No.11/2/2013 - IR (pt.) dt. 14th August, 2013 regarding disclosure of personal information under the Right to Information Act, 2005. The Central Information Commission in one of its decisions has held that information about the complaints made against an officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provision of section 8(1)(j) of the RTI Act, 2005.

The above mentioned O.M. is uploaded on the ICAR Website www.icar.org.in for information and guidance to all concerned.

**(Namrta Sharma)**
**Deputy Secretary (Admn.)**
**Tel.** 011-23386087

**Distribution:**

1. The Directors/ Appellate Authorities/ CPIOs/ APIOs of all ICAR Institutes/ NRCs/ PDs/ Bureaux/ ZPDs.
2. All Appellate Authorities/ CPIOs at ICAR Hqrs.
3. Sr. PPS to Secretary (DARE) & DG, ICAR/ PPS to AS(DARE) & Secretary, ICAR/ PPS to AS&FA, DARE/ICAR/ PPS to Chairman, ASRB.
4. ADG(PIM)/ ADG(CDN)/ Proj. Dir.(DKMA), ICAR.
5. All Officers/ Sections at ICAR Hqrs. at KB/ KAB-I/ KAB-II/ NASC Complex.
6. ARIC, ICAR for placing this circular under RTI Act on the Council's website.
7. e-Office Notice Board.

No. 11/2/2013-IR (Pt.)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi,
Dated the 14th August, 2013

## OFFICE MEMORANDUM

Subject: Disclosure of personal information under the RTI Act, 2005.

The Central Information Commission in one of its decisions (copy enclosed) has held that information about the complaints made against an officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provision of section 8 (1) (j) of the RTI Act, 2005.

2. The Central Information Commission while deciding the said case has cited the decision of Supreme Court of India in the matter of Girish R. Deshpande vs. CIC and others (SLP (C) no. 27734/2012) in which it was held as under:-

*"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual."* The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.

3. This may be brought to the notice of all concerned.

Encl: As above.

Manoj Joshi

(Manoj Joshi)
Joint Secretary (AT&A)
Tel: 23093668

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission /Lok Sabha Secretariat/ Rajya Sabha Secretariat Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/ State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

**Central Information Commission, New Delhi**
**File No.CIC/SM/A/2013/000058**
**Right to Information Act-2005-Under Section (19)**

| | | |
|---|---|---|
| **Date of hearing** | : | **26/06/2013** |
| **Date of decision** | : | **26/06/2013** |
| **Name of the Appellant** | : | **Sh. Manoj Arya, (RTI Activists and Social Worker) 67, Sec-12, CPWD Flats, R K Puram, New Delhi -110022** |
| **Name of the Public Authority** | : | **Central Public Information Officer, Cabinet Secretariat, (Vigilance & Complaint Cell), 2nd Floor, Sardar Patel Bhawan, New Delhi -110001** |

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri M.P. Sajeevan, DS & CPIO was present.

The third party, Shri S B Agnihotri, DG (DEF. ACQ) MoD was present.

**Chief Information Commissioner : Shri Satyananda Mishra**

2. We heard the submissions of both the respondent and the third party in the case.

3. In his RTI application, the Appellant had sought the copies of the complaints made against the third party in the case and the details of the action taken including the copies of the enquiry reports. He had also wanted the copies of the correspondence made between the Cabinet Secretariat and the Ministry of Shipping in respect of the third party in the case. The CPIO after consulting the third party under Section 11 of the Right to Information Act, had

refused to disclose any such information by claiming that it was personal in nature and thus exempted under the provisions of section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this decision of the CPIO, the Appellant had preferred an appeal. The Appellate Authority had disposed of the appeal in a speaking order in which he had endorsed the decision of the CPIO.

4. We have carefully gone through the contents of the RTI application and the order of the Appellate Authority. We have also considered the submissions of both the respondent and the third party in the case. The entire information sought by the Appellant revolves around the complaints made against an officer of the government and any possible action the authorities might have taken on those complaints. The Appellate Authority was very right in deciding that this entire class of information was qualified as personal information within the meaning of the provisions of Section 8 (i) (j) of the RTI Act. In this connection, it is very pertinent to cite the decision of the Supreme Court of India in the SLP(C) No. 27734 of 2012 (Girish R Deshpande vs CIC and others) in which it has held that "the performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual." The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest. The information sought by the Appellant in this case is about some complaints made against a government official and any possible action the authorities might have taken on those complaints. It is, thus, clearly the kind of information which is envisaged in the above Supreme Court order. Therefore, the information is completely exempted from disclosure under the provisions of the RTI Act which both the CPIO and the Appellate Authority have

rightly cited in their respective orders.

5. We find no grounds to interfere in the order of the Appellate Authority. The appeal is rejected.

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

**(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)**
**Deputy Registrar**

सूचना का अधिकार



आर0टी0आई0 मामला

# भारतीय कृषि अनुसंधान परिषद
## कृषि भवन : नई दिल्ली

मि0सं0(प्रशा.)1–12/2013 – सी.आर. (ए) एवं आर.टी.आई

दिनांक: 29 नवम्बर, 2013

## पृष्ठांकन

कार्मिक, लोक शिकायत और पेंशन मंत्रालय, कार्मिक और प्रशिक्षण विभाग, भारत सरकार, नई दिल्ली ने **सूचना का अधिकार अधिनियम, 2005** के तहत व्यक्तिगत जानकारी के प्रकटीकरण से संबंधित कार्यालय ज्ञापन संख्या 11/2/2013–आई.आर. (पार्ट) दिनांक 14 अगस्त, 2013 जारी किया है। उपर्युक्त कार्यालय ज्ञापन को भारतीय कृषि अनुसंधान परिषद के वेबसाईट www.icar.org.in पर जानकारी तथा मार्गदर्शन हेतु अपलोड कर दिया गया है।

नम्रता शर्मा

(नम्रता शर्मा)
उप सचिव (प्रशासन)
दूरभाष : 011–23386087

**वितरण:**

1. भारतीय अनुसंधान परिषद के सभी अनुसंधान संस्थान/ राष्ट्रीय अनुसंधान केन्द्र/ परियोजना निदेशालय/ ब्यूरो/ क्षेत्रीय परियोजना निदेशालय के निदेशक।
2. भारतीय कृषि अनुसंधान परिषद मुख्यालय के सभी अपीलीय अधिकारी/केन्द्रीय जनसूचना अधिकारी।
3. सचिव, डेयर एवं महानिदेशक, भा0कृ0अनु0प0 के वरिष्ठ प्रधान निजी सचिव/ अपर सचिव, डेयर एवं सचिव, भा0कृ0अनु0प0 के प्रधान निजी सचिव/ अपर सचिव एवं वित्त सलाहकार (डेयर / भा0कृ0अनु0प0) के प्रधान निजी सचिव/ चेयरमैन, कृ0वै0च0मं0 के प्रधान निजी सचिव।
4. भारतीय अनुसंधान परिषद के सहायक महानिदेशक (पी.आई.एम.)/ सहायक महानिदेशक (समन्वय)/ परियोजना निदेशक (डी.के.एम.ए.)।
5. भारतीय अनुसंधान परिषद के सभी अधिकारी/ अनुभाग (कृषि भवन/ कृषि अनुसंधान भवन – 1 एवं 2/ एन.ए.एस.सी. कम्पलैक्स)।
6. एरिक, भारतीय अनुसंधान परिषद (इस पृष्ठांकन को परिषद के वेबसाईट पर अपलोड करने के लिए)।
7. ई–ऑफिस सूचना पटल।