महावितरण
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्या.

दुरध्वनी क्रमांक : ०२२ - २४०७७४४१
फॅक्स क्रमांक : ०२२ - २४०२५७६३

क्र.मासं/रवका/न.क्र.३४८/
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्या.
एक्स्ट्रेला बॅटरीज विस्तारीत इमारत,
तळ मजला, प्लॉट नं.१,धारावी रोड,माटुंगा,
मुंबई - ४०० ०१९.
email : cgmp@mahadiscom.in
website : www.mahadiscom.in

प्रशासकीय परिपत्रक क्र. ४५० दिनांक ०८ / ०३ / २०१३

विषय : माहितीचा अधिकार अधिनियम २००५ बाबत मा.सर्वोच्च न्यायालयाने दिनांक ३ ऑक्टोबर २०१२ रोजी दिलेला निर्णय.

संदर्भ : श्री.कृ.जो.मेंगाणे,कक्ष अधिकारी,उद्योग,ऊर्जा व कामगार विभाग यांचे पत्र क्र.केंमाअ-२०१३/प्र.क्र.१६/प्रशासन-२ दि.२१.०१.२०१३.

.....

कक्ष अधिकारी, उद्योग, ऊर्जा व कामगार विभाग, मंत्रालय, मुंबई यांचे पत्र क्र. केंमाअ-२०१३/प्र.क्र.१६/प्रशासन-२ दि.२१.०१.२०१३ सोबत मा.सर्वोच्च न्यायालयाने माहिती अधिकार अधिनियम २००५ अंतर्गत पुरविण्यात आलेल्या माहिती संदर्भात मा.सर्वोच्च न्यायालयाने श्री.गिरीष रामचंद्र देशपांडे विरुध्द केंद्रिय माहिती आयुक्त व इतर या स्पेशल लिव्ह पीटीशन क्र.(सिव्हील) २७७३४/२०१२ वरील दि.०३.१०.२०१२ रोजी दिलेल्या निर्णयाची प्रत सोबत जोडण्यात येत आहे.

२. सदर निर्णयाद्वारे मा.सर्वोच्च न्यायालयाने माहिती अधिकार अधिनियमातील कलम ८ (१) (ठ) अन्वये करण्यात आलेल्या तरतुदींचे विस्तृतपणे परिक्षण करुन उपरोक्त नमूद दाव्यावरील निर्णय प्रसारित केला आहे. तसेच अर्जदाराने मागितलेली माहिती त्रयस्थ पक्षाची किंवा वैयक्तिक स्वरुपाची आहे किंवा कसे याबाबत सविस्तर विवेचन सदरील निर्णयाद्वारे करण्यात आलेले आहे.

३. सबब, सर्व संबंधितांना विनंती करण्यात येते की, माहिती अधिकार अधिनियम-२००५ अंतर्गत अर्जदाराने मागितलेल्या माहितीचे सखोल परिक्षण करुन सर्वोच्च न्यायालयाच्या सदर निर्णयातील मुद्दांच्या अनुषंगाने कायद्यातील तरतुदींच्या अधीन राहून संबंधीतास माहिती पुरविताना दक्षता घ्यावी.

४. सदर प्रशासकीय परिपत्रक कंपनीच्या इंट्रानेटवर उपलब्ध करण्यात आले आहे.

सोबत : वरीलप्रमाणे

(संदेश हाके)
मुख्य महाव्यवस्थापक (मासं)

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व.स. / म.स 215 **URGENT** 1/4 2md 32 R- 2844

दिनांक 06/02/2013

महाराष्ट्र शासन

दूरध्वनी क्र.: २२७९३७२१, २२८१०३९४
फॅक्स क्र. : २२८२४४४६, २२०४५९६९
ई-मेल आयडी: ielddo_adm2@maharashtra.gov.in, ield_ad.2@rediffmail.com

क्र.केंमाअ-२०१३/प्र.क्र.१६/प्रशासन-२
उद्योग, ऊर्जा व कामगार विभाग,
मादाम कामा पथ, हुतात्मा राजगुरू चौक, महानिगम
मंत्रालय, मुंबई — ४०० ०३२.
दिनांक:- २१ जानेवारी, २०१३

महानिगम मुंबई साप्रवि ८ र व.का. आवक/जावक नंबर: G-8 दिनांक: 7/2/13

प्रति,

१. सचिव (लघु व मध्यम उद्योग) तथा पदसिध्द विकास आयुक्त (उद्योग), उद्योग संचालनालय, नवीन प्रशासन भवन, मंत्रालयासमोर,मुंबई.
२. संचालक,शासकीय मुद्रण व लेखन सामग्री,चर्नीरोड स्टेशन जवळ, नेताजी सुभाष मार्ग,मुंबई-४.
३. संचालक, भूविज्ञान व खनिकर्म संचालनालय, जुने सचिवालय, सिव्हील लाईन, पोस्ट बॉक्स नं.१११, नागपूर- ४४०००१.
४. मुख्य कार्यकारी अधिकारी, महार[illegible]ौगिक विकास महामंडळ, उद्योग सारथी, महाकाली गुंफा मार्ग, अंधेरी (पूर्व), मुंबई-४०००९३
५. व्यवस्थापकीय संचालक, महाराष्ट्र राज्[illegible]वित्तीय महामंडळ, युनायटेड इंडिया इमारत, पहिला माळा, सर फिरोजशहा मेहता रोड, फोर्ट, [illegible]ई -४००००१.
६. व्यवस्थापकीय संचालक, महाराष्ट्र पेट्रोकेमिकल्स महामंडळ मर्यादित,२१४ न्यु मरीन चेंबर्स, एस.एन.डी.टी. महिला विद्यापीठासमोर, ४३, न्यु मरीन लाईन्स, मुंबई -४०००२०.
७. मुख्य कार्यकारी अधिकारी, महाराष्ट्र राज्य खादी व ग्रामोद्योग मंडळ, १९/२१, मनोहरदास स्ट्रीट, फोर्ट, मुंबई-४००००१.
८. व्यवस्थापकीय संचालक, महाराष्ट्र लघुउद्योग विकास महामंडळ, कृपानिधी, ९, वालचंद हिराचंद मार्ग, बॅलार्ड इस्टेट, मुंबई-४००००१.
९. व्यवस्थापकीय संचालक, महाराष्ट्र राज्य खनिकर्म महामंडळ, प्लॉट नं.७, अजनी चौक, वर्धा रोड, नागपूर-४४००१५.
१०. व्यवस्थापकीय संचालक, कोकण विकास महामंडळ मर्यादित, युनिट क्र.१६, आरे दुग्ध वसाहत, गोरेगांव (पूर्व), मुंबई-४०००६५.
११. व्यवस्थापकीय संचालक, पश्चिम महाराष्ट्र विकास महामंडळ मर्यादित, दुसरा मजला, कुबेरा चेंबर्स, डॉ.राजेंद्र प्रसाद पथ, संचेती हॉस्पीटल समोर, शिवाजीनगर, पुणे -५.
१२. व्यवस्थापकीय संचालक, मराठवाडा महाराष्ट्र विकास महामंडळ मर्यादित, विकास भवन, डॉ.राजेंद्र प्रसाद मार्ग, औरंगाबाद-४३१००१.
१३. व्यवस्थापकीय संचालक, विदर्भ महाराष्ट्र विकास महामंडळ मर्यादित, महाजन बिल्डिंग, मेन रोड, सिताबर्डी, नागपूर-४४००१२.
१४. व्यवस्थापकीय संचालक, महाराष्ट्र इलेक्ट्रॉनिकी महामंडळ मर्याद्रित, प्लॉट नं. एएम-३, एमआयडीसी., क्रॉस रोड-ए, मरोल इंडस्ट्रीयल एरिया, अंधेरी (पू), मुंबई- ४०० ०९३.
१५. व्यवस्थापकीय संचालक,महाराष्ट्र राज्य विद्युत धारक कं.लि.प्रकाशगड,तांद्रे [illegible]
१६. व्यवस्थापकीय संचालक,महाराष्ट्र राज्य विद्युत निर्मीती कं.लि.प्रकाशगड [illegible]
१७. व्यवस्थापकीय संचालक,महाराष्ट्र राज्य विद्युत पारेषण कं.लि.प्रकाशगड [illegible]

ED-HR please.

CGM(CC)

Pl. arrange circulation of this decision to all PIOs & AAs

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M(HR) P/S 06/2/13 Addl.GM(HR)

१८. व्यवस्थापकीय संचालक, महाराष्ट्र राज्य विद्युत वितरण कं.लि. [illegible], नं.सी-१९, ई-ब्लॉक, बांद्रा-कुर्ला कॉम्प्लेक्स, वांद्रे (पू),मुंबई-५१.

१९. महासंचालक, महाराष्ट्र ऊर्जा विकास अभिकरण, म्हाडा कर्मशियल कॉम्प्लेक्स, स. [illegible], फेज-८ त्रिदलनगर समोर, येरवडा, पुणे -४११००६.

२०. सचिव, महाराष्ट्र राज्य विद्युत नियामक आयोग, वर्ल्ड ट्रेड सेंटर, सेंटर नं.१, १३ वा मजला, कुलाबा,मुंबई-४०० ००५.

२१. मुख्य अभियंता (विद्युत), बांधकाम भवन, तिसरा मजला, सा.बां.विभाग, मर्झबान [illegible], मुंबई-१.

२२. कामगार आयुक्त,कामगार भवन,भूखंड क्र.सी-२०, ब्लॉक-इ, बांद्रा-कुर्ला संकुल, बांद्रा (पूर्व),मुंबई-५१,

२३. संचालक, औद्योगिक सुरक्षा व आरोग्य संचालनालय, कामगार भवन, ५ वा मजला, [illegible], भूखंड क्र.सी-२०, बांद्रा-कुर्ला संकुल, बांद्रा (पूर्व), मुंबई-४०००५१,

२४. संचालक, बाष्पके, महाराष्ट्र राज्य यांचे कार्यालय, कामगार भवन, [illegible] मजला, भूखंड क्र. २०, ब्लॉक-इ, बांद्रा-कुर्ला संकुल, बांद्रा (पूर्व), मुंबई-४०००५१,

२५. प्रबंधक, औद्योगिक न्यायालय,प्रशासकीय इमारत, पहिला मजला, वांद्रे (पूर्व),मुंबई-५१.

२६. संचालक, कै. नारायण मेघाजी लोखंडे महाराष्ट्र श्रम विज्ञान संस्था, दादाभाई [illegible] मार्ग, परेल, मुंबई- ४०० ०१२.

२७. कल्याण आयुक्त, महाराष्ट्र कामगार कल्याण मंडळ , हुतात्मा बाबू गेनू, मुंबई गिरण [illegible] क्रिडा भवन, सेनापती बापट मार्ग, एलफिन्स्टन, मुंबई-४०००१३.

विषय:- माहितीचा अधिकार अधिनियम २००५ बाबत मा.सर्वोच्च [illegible] दिनांक ३ ऑक्टोबर, २०१२ रोजी दिलेला निर्णय.

महोदय,

माहितीचा अधिकार अधिनियम-२००५ बाबत मा. सर्वोच्च न्यायालयाने दिनांक ३ ऑक्टोबर, २०१२ रोजी दिलेल्या निर्णयाची प्रत माहितीसाठी व आवश्यक त्या कार्यवाहीसाठी सोबत जोडली आहे.

आपला,

(कृ. जो. मेंगाणे)
कक्ष अधिकारी.

सहपत्र:- वरीलप्रमाणे (ईमेल पाठविला आहे)

प्रत. माहितीसाठी अग्रेषित,

सर्व उप सचिव, अवर सचिव / कक्ष अधिकारी, उद्योग, ऊर्जा व कामगार विभाग, मंत्रालय, मुंबई-३२.

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Special Leave Petition (Civil) No. 27734 of 2012
(@ CC 14781/2012)

Girish Ramchandra Deshpande .. Petitioner

Versus

Cen. Information Commr. & Ors. .. Respondents

O R D E R

1. Delay condoned.

2. We are, in this case, concerned with the question whether the Central Information Commissioner (for short 'the CIC') acting under the Right to Information Act, 2005 (for short 'the RTI Act')

was right in denying information regarding the third respondent's personal matters pertaining to his service career and also denying the details of his assets and liabilities, movable and immovable properties on the ground that the information sought for was qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act.

3. The petitioner herein had submitted an application on 27.8.2008 before the Regional Provident Fund Commissioner (Ministry of Labour, Government of India) calling for various details relating to third respondent, who was employed as an Enforcement Officer in Sub-Regional Office, Akola, now working in the State of Madhya Pradesh. As many as 15 queries were made to which the Regional Provident Fund Commissioner, Nagpur gave the following reply on 15.9.2008:

> "As to Point No.1: Copy of appointment order of Shri A.B. Lute, is in 3 pages. You have sought the details of salary in respect of Shri A.B. Lute, which

relates to personal information the disclosures of which has no relationship to any public activity or interest, it would cause unwarranted invasion of the privacy of individual hence denied as per the RTI provision under Section 8(1)(j) of the Act.

As to Point No.2: Copy of order of granting Enforcement Officer Promotion to Shri A.B. Lute, is in 3 Number. Details of salary to the post along with statutory and other deductions of Mr. Lute is denied to provide as per RTI provisions under Section 8(1)(j) for the reasons mentioned above.

As to Point NO.3: All the transfer orders of Shri A.B. Lute, are in 13 Numbers. Salary details is rejected as per the provision under Section 8(1)(j) for the reason mentioned above.

As to Point No.4: The copies of memo, show cause notice, censure issued to Mr. Lute, are not being provided on the ground that it would cause unwarranted invasion of the privacy of the individual and has no relationship to any public activity or interest. Please see RTI provision under Section 8(1)(j).

As to Point No.5: Copy of EPF (Staff & Conditions) Rules 1962 is in 60 pages.

As to Point No.6: Copy of return of assets and liabilities in respect of Mr. Lute cannot be provided as per the provision of RTI Act under Section 8(1)(j) as per the reason explained above at point No.1.

As to Point No.7: Details of investment and other related details are rejected as per the provision of RTI Act under Section 8(1)(j) as per the reason explained above at point No.1.

As to Point No.8: Copy of report of item wise and value wise details of gifts accepted by Mr. Lute, is rejected as per the provisions of RTI Act under Section 8(1)(j) as per the reason explained above at point No.1.

As to Point No.9: Copy of details of movable, immovable properties of Mr. Lute, the request to provide the same is rejected as per the RTI Provisions under Section 8(1)(j).

As to Point No.10: Mr. Lute is not claiming for TA/DA for attending the criminal case pending at JMFC, Akola.

As to Point No.11: Copy of Notification is in 2 numbers.

As to Point No.12: Copy of certified true copy of charge sheet issued to Mr. Lute – The matter pertains with head Office, Mumbai. Your application is being forwarded to Head Office, Mumbai as per Section 6(3) of the RTI Act, 2005.

As to Point No.13: Certified True copy of complete enquiry proceedings initiated against Mr. Lute – It would cause unwarranted invasion of privacy of individuals and has no relationship to any public activity or interest. Please see RTI provisions under Section 8(1)(j).

As to Point No.14: It would cause unwarranted invasion of privacy of individuals and has no relationship to any public activity or interest, hence denied to provide.

As to Point No.15: Certified true copy of second show cause notice – It would cause unwarranted invasion of privacy of individuals and has no relationship to any public activity or interest, hence denied to provide."

4. Aggrieved by the said order, the petitioner approached the CIC. The CIC passed the order on 18.6.2009, the operative portion of the order reads as under:

> "The question for consideration is whether the aforesaid information sought by the Appellant can be treated as 'personal information' as defined in clause (j) of Section 8(1) of the RTI Act. It may be pertinent to mention that this issue came up before the Full Bench of the Commission in Appeal No.CIC/AT/A/2008/000628 (**Milap Choraria** v. **Central Board of Direct Taxes**) and the Commission vide its decision dated 15.6.2009 held that "the Income Tax return have been rightly held to be personal information exempted from disclosure under clause (j) of Section 8(1) of the RTI Act by the CPIO and the Appellate Authority, and the appellant herein has not been able to establish that a larger public interest would be served by disclosure of this information. This logic would hold good as far as the ITRs of Shri Lute are concerned. I would like to further observe that the information which has been denied to the appellant essentially falls in two parts – (i) relating to the personal matters pertaining to his services career; and (ii) Shri Lute's assets & liabilities, movable and immovable properties and other financial aspects. I have no hesitation in holding that this information also qualifies to be the 'personal information' as defined in clause (j) of Section 8(1) of the RTI Act and the appellant has not been able to convince the Commission that disclosure thereof is in larger public interest."

5. The CIC, after holding so directed the second respondent to disclose the information at paragraphs 1, 2, 3 (only posting details), 5, 10, 11, 12,13 (only copies of the posting orders) to the appellant within a period of four weeks from the date of the order. Further, it was held that the information sought for with regard to the other queries did not qualify for disclosure.

6. Aggrieved by the said order, the petitioner filed a writ petition No.4221 of 2009 which came up for hearing before a learned Single Judge and the court dismissed the same vide order dated 16.2.2010. The matter was taken up by way of Letters Patent Appeal No.358 of 2011 before the Division Bench and the same was dismissed vide order dated 21.12.2011. Against the said order this special leave petition has been filed.

7. Shri A.P. Wachasunder, learned counsel appearing for the petitioner submitted that the documents sought for vide Sl. Nos.1, 2 and 3 were pertaining to appointment and promotion

and Sl. No.4 and 12 to 15 were related to disciplinary action and documents at Sl. Nos.6 to 9 pertained to assets and liabilities and gifts received by the third respondent and the disclosure of those details, according to the learned counsel, would not cause unwarranted invasion of privacy.

8. Learned counsel also submitted that the privacy appended to Section 8(1)(j) of the RTI Act widens the scope of documents warranting disclosure and if those provisions are properly interpreted, it could not be said that documents pertaining to employment of a person holding the post of enforcement officer could be treated as documents having no relationship to any public activity or interest.

9. Learned counsel also pointed out that in view of Section 6(2) of the RTI Act, the applicant making request for information is not obliged to give any reason for the requisition and the CIC was not justified in dismissing his appeal.

10. This Court in **Central Board of Secondary Education and another** v. **Aditya Bandopadhyay and others** (2011) 8 SCC 497 while dealing with the right of examinees to inspect evaluated answer books in connection with the examination conducted by the CBSE Board had an occasion to consider in detail the aims and object of the RTI Act as well as the reasons for the introduction of the exemption clause in the RTI Act, hence, it is unnecessary, for the purpose of this case to further examine the meaning and contents of Section 8 as a whole.

11. We are, however, in this case primarily concerned with the scope and interpretation to clauses (e), (g) and (j) of Section 8(1) of the RTI Act which are extracted herein below:

> "**8. Exemption from disclosure of information**.- (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-
>
> **(e)** information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

> **(g)** information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
>
> **(j)** 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."

12. The petitioner herein sought for copies of all memos, show cause notices and censure/punishment awarded to the third respondent from his employer and also details viz. movable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is

whether the above-mentioned information sought for qualifies to be "personal information" as defined in clause (j) of Section 8(1) of the RTI Act.

13. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organization 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 would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the

larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

14. The details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information.

15. The petitioner in the instant case has not made a bona fide public interest in seeking information, the disclosure of such information would cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act.

16. We are, therefore, of the view that the petitioner has not succeeded in establishing that the information sought for is for

the larger public interest. That being the fact, we are not inclined to entertain this special leave petition. Hence, the same is dismissed.

……..J.
(K. S. RADHAKRISHNAN)

……..J.
(DIPAK MISRA)

New Delhi
October 3, 2012

ITEM NO.1A COURT NO.11 SECTION IX

[FOR ORDERS]

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).27734/2012

(arising out of SLP(C)..CC No.14781/2012)

(From the judgement and order dated 21/12/2011 in LPA No.358/2011 of The HIGH COURT OF BOMBAY AT NAGPUR)

GIRISH RAMCHANDRA DESHPANDE Petitioner(s)

VERSUS

CEN.INFORMATION COMMR.& ORS. Respondent(s)

Date: 03/10/2012 This Petition was called on for hearing today.

For Petitioner(s) Mr. Jatin Zaveri,Adv.

For Respondent(s) Mr. Surya Kant, Adv.

Ms. Purnima Jauhari, Adv.

Hon'ble Mr. Justice K.S. Radhakrishnan pronounced reportable order of the Bench comprising His Lordship and Hon'ble Mr. Justice Dipak Misra.

In terms of signed reportable order, the special leave petition is dismissed.

(A.D. Sharma) (Renuka Sadana)

Court Master Court Master

(Signed reportble Order is placed on the file)