

# Central Information Commission

CIC/SG/A/2009/001255 -AD

Dated 4<sup>th</sup> March, 2010

Adjunct to the Order in the Case No. CIC/SG/A/2009/001255 -AD  
dated 31.12.09 in the case of

Mr.M.D. Kalani

v/s.

Central Railway, Mumbai

Hearing was held on 4<sup>th</sup> March, 2010

## Background

1. The Order given by the Commission on 31.12.09 in the above case is as follows:
  - i) *The Commission on review of information provided and also based on the discussions noted that the missing information (sought against points 2 and 3 of the RTI application) could be available in the files in the Vigilance Section and accordingly, directs the PIO (Vigilance) to transfer the RTI application to the deemed PIO and directs the deemed PIO to provide complete information sought by the Appellant, if available with him. If information is not available, the PIO(Vigilance) to provide an affidavit saying so while giving reasons for its non-availability. The information should reach the Appellant by 31.1.2010 and the Appellant is directed to submit a compliance report to the Commission by 7.2.2010.*
2. The Commission received an 'affidavit' (not on stamped paper) dated 20.01.10 from Mr. G.D. Bhagwani, Dy.CVO(E) cum PIO signed by PIO(Vig), Central Railway in a sealed cover containing the names & designations of the 29 Railway employees booked under DAR case, as sought by the Appellant. In the 'affidavit', the Respondent while expressing his apprehension in respect of disclosure of names as sought by the Appellant, submitted that it is believed by the PIO and the Appellate Authority that divulging this information to the Appellant may endanger the life of Mr.Abdul Rasheed, the then Chief Vigilance Inspector, Central Railway who had initiated the case against the 29 Railway employees. He also stated that the disclosure of such type of information is exempted under Section 8(1)(g) of the RTI Act, 2005.
3. The Appellant's representative was present during the hearing.

4. Mr. G.D. Bhagwani, Dy.CVO(E) cum PIO, Mr.P.M. Motwani, APIO cum Appellate Authority, Mr. Mahesh Chandra, Dy. CVO(S&M) and Mr. R.K. Sahu, EI represented the Public Authority.

### **Decision**

5. The Respondent submitted fresh arguments in support of his uneasiness in respect of disclosure of 29 names of individuals against whom action was initiated by the then Chief Vigilance Inspector which had resulted in imposition of major penalty on all the 29 individuals as also on the Appellant . He stated that while he has furnished the 29 names to the Commission and has left the decision on whether to disclose the 29 names to the Appellant or not, to the Commissioner, he is seriously worried about the safety of the Chief Vigilance Inspector in this case. It was the contention of the Respondent that once the names are disclosed, there is a possibility that the Appellant, having gained confidence by becoming part of a larger group of affected individuals, would join hands with them to harass or even physically harm the Chief Vigilance Inspector. He further argued that officers from different Departments are posted to the Vigilance Department as Vigilance officers for a fixed tenure and on its completion go back to work amongst the very individuals against whom he may have initiated action as a Vigilance Inspector, which makes him(the Vigilance Inspector) extremely vulnerable to acts of violence on the part of those he has exposed.
6. The Commission, on careful consideration of the new arguments put forth by the Respondent, is constrained to review its decision and denies the information under section 8(1)(g) of the RTI Act as the disclosure of information may endanger the physical safety of the then Vigilance Inspector.

(Annapurna Dixit)  
Information Commissioner

Authenticated true copy:

(G. Subramanian)  
Deputy Registrar

Cc:

1. Mr. M.D.Kalani  
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2. The PIO  
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4. Officer in charge, NIC
5. Press E Group, CIC