

## CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2006/00256 dated 22/5/06

Right to Information Act 2005 – Section 19

Appellant: Dr. (Mrs.) Radha Bhattacharya

Respondent: Saha Institute of Nuclear Physics

### **Facts:**

Dr. (Smt.) Radha Bhattacharya Scientist in the Bio-Physics Division of the Saha Institute of Nuclear Physics, Kolkata applied to the Central Public Information Officer Shri V.V.Malliakarjuna Rao, Registrar, Saha Institute of Nuclear Physics on 15.12.2005 asking for the following information: u/s 4(1)(b)(ii) & (iii) and relevant clauses :

1. The rules, regulations and procedures to be followed in appointing the following :
  - a) Head of Group (H.O.G.) and the record of minimum criterion to be satisfied by any person appointed as a H.O.G.
  - b) Head of minimum criterion to be satisfied by any person appointed as H.O.D. or H.O.S.
2. Powers and duties of Head of Group, Head of Division and Head of section.
3. List of the present H.O.G. and H.O.D. and H.O.S. for each of the groups, divisions and sections. All relevant information regarding the appointment of each and all of the present H.O.G., H.O.D. and H.O.S. including the records of reason or justification for not appointing any person as HOG or HOD or HOS of existing group, division or section, multiple appointments for same person as HOG, HOD or HOS Rules for appointing Associate Group Head, if any, during 1993-2005. List of Associate Group Heads appointed during 1993-2005.
4. The rules governing the removal of a HOG or HOD or HOS. Year wise list of all the HOG, HOD or HOS removed from the respective position in the interval of calendar years 1993-2005. All records including minutes of meetings of any statutory body, letters, advice, comment, memo regarding the

removal of all of those HOG, HOD and HOS who had been removed during 1993-2005.

5. List of groups/divisions/sections formed or abolished during 1993-2005 and records of reason or any information, rules, regulations, manuals, or information in any other form, regarding the formation and the abolition of such groups, divisions and sections.
6. Records of discussions or relevant portions of minutes of meetings of statutory bodies – Governing Council ( as per sub section 10(1), Director’s Advisory Committee and Faculty Committee for each of the cases as referred for removal of HOG, HOD and HOS or abolition of a group, division and section.
7. Rules and regulations regarding the constitution, function and holding of minimum number of meetings per year, of each of the following committees: Director’s Advisory Committee (DAC), Faculty Committee (FC), Divisional Staff Committee (DSC). A list of the dates of the meetings of DAC and FC during the calendar years 1993-2005.
8. List of proposed members of Faculty Committee (FC) as sent by the divisions and sections, or in absence of such lists, all communications regarding constitution of FC from each of the divisions and sections, at each and every time the Faculty Committee had been reconstituted and the corresponding list of members of Faculty Committee (FC) constituted during the calendar years 1993-2005.

In response to this application CPIO Shri V.V.Mallikarjuna Rao refused the information sought citing sec. “8(j)” of the R.T.I. Act and stating that the information is not related directly or indirectly to any public interest. Appellant Dr. Radha Bhattacharya , therefore, went in appeal to Appellate Authority Prof. J.K.Dutttagupta, Head Bio-Physical Sciences Group who upheld the decision of PIO clubbing together requests of Prof. Pratap Bhattacharya and Dr. Radha Bhattacharya, as being “diverse and unconnected voluminous issues that are vexatious, harrasive and completely contrary to the spirit of the RTI Act.” He also held that the PIO was correct in clubbing the requests of one Prof. Bhattacharya and Mrs. Radha Bhattacharya who are husband and wife living together.

## DECISION NOTICE

The decision of Registrar and PIO Shri Mallikarjuna Rao in the present case does not cite any of the reasons referred to by first Appellate Authority, Prof. J.K.Duttagupta for upholding his decision. The information sought by the appellant is the kind of information much of which should have been on the website and it is u/s 4(1) (b) (ii) & (iii) that the information has in fact been sought. It is difficult to determine how provision of such information would involve invasion of privacy since it asks for information with regard to no individual but only in terms of procedures. Because the CPIO has cited Sec 8(j) in refusing the request, even though there is no such clause in the Act, this clearly shows a lack of application of mind. This case is similar to that of Dr. S.K. Manna vs. Saha Institute being processed separately under CIC/WB/A-2006/00279. However, in that case the issues are wider although a reply identical to that given by the PIO to Dr. Radha Bhattacharya has also been given to Dr. Manna. This leads us to the conclusion that the PIO has standardized photocopies of decisions to be trotted out to applicants under the Right to Information Act. **If this assumption is indeed correct this is a practice that needs to be discontinued immediately.**

With the above observation CPIO Shri V.V.Mallikarjuna Rao, Registrar, Saha Institute of Nuclear Physics is directed to provide information sought by the appellant Dr. Radha Bhattacharya within one month of the date of issue of this order, and to comply fully with the provisions mandated by sec. 4(1) of the Right to Information Act, 2005.

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

(Wajahat Habibullah)  
Chief Information Commissioner  
15.9.2006

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.

(L.C.Singhi)

Addl. Registrar

15.9.2006