

CENTRAL INFORMATION COMMISSION

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F.No.CIC/AT/A/2006/00115

Dated, the 20th September, 2006.

Appellant : Shri Anil K. Sahore, 601, Kailash Tower, Near SM Shetty School, Powai, Mumbai – 400 072.

Respondent : Shri Shailindraa K. Singh, PIO, Commandant, Coast Guard Headquarters, National Stadium Complex, New Delhi-110001.

Shri K.R. Nautiyal, Appellate Authority, Dy. Inspector General & Director (Personnel), Coast Guard Headquarters, National Stadium Complex, New Delhi-110001.

Shri Anil K. Sahore has filed this appeal against the order dated 9.4.2006 of the Appellate Authority, the D.I.G. & Director(Personnel), Coast Guard Headquarters and the order dated 10.2.2006 of the PIO, Shri Shailindraa K. Singh, Commandant, Coast Guard Headquarters.

The facts of the case are that Shri Anil K Sahore filed his RTI request dated 12.1.2006 for a copy of the Coast Guard Headquarters letter dated 15.3.2005 addressed to the Chairman, Indian Register of Shipping, Mumbai. This letter had originated from, as stated by the appellant, the office of Vigilance Officer, Shri P.S.Rathore of the Coast Guard Headquarters. The PIO rejected the request through his communication dated 10.2.2006, on grounds of the exemption under Section 8(1)(j) of the RTI Act.

Through his communication dated 8.3.2006, the appellant challenged this order before the first Appellate Authority (AA), who, in his order dated 9.4.2006, upheld the contention of the PIO.

The parties were called for a hearing today (i.e. 20.9.2006). The appellant was personally present and the respondents were represented by the Appellate Authority, Shri K.R. Nautiyal, D.I.G. & Director (Personnel) and the PIO, Shri Shailindraa K. Singh, PIO, Commandant, Coast Guard Headquarters.

During hearing, it emerged that apart from the exemptions quoted for non-disclosure of the information by the PIO, there is another important aspect, which is the interest of the third party in this particular case. Section 7(7) and Section 11(1) of the RTI Act enjoin that third party, if involved in a particular matter, must be heard before a decision on disclosure or non-disclosure of an information is taken. Apart from this, there is a need to examine the appellant's case more carefully in the light of the security implications of such disclosure. It is noticed that these critical aspects of the information requested by the appellant were not examined.

In overall consideration, the matter is remitted back to the Appellate Authority, Shri K.R. Nautiyal, D.I.G. & Director (Personnel), Coast Guard Headquarters with direction to examine the appellant's request for information de-novo. The appellant should also be given a hearing by the AA and the case should be decided not later than 4 weeks from the date of the receipt of this order.

The appeal is disposed of with the above direction.

Sd/-
(A.N. TIWARI)
INFORMATION COMMISSIONER

Authenticated by –

Sd/-
(L.C. Singhi)
Additional Registrar

Address of parties:

1. Shri Anil K. Sahore, 601, Kailash Tower, Near SM Shetty School, Powai, Mumbai – 400 072.
2. Shri Shailindraa K. Singh, PIO, Commandant, Coast Guard Headquarters, National Stadium Complex, New Delhi-110001.
3. Shri K.R. Nautiyal, Appellate Authority, Dy. Inspector General & Director (Personnel), Coast Guard Headquarters, National Stadium Complex, New Delhi-110001.
4. In-charge, NIC.
5. Press E Group.