

Central Information Commission

Smt. Pratibha Singhal vs Bank Of Baroda on 13 July, 2009

Central Information Commission

Appeal No.CIC/PB/A/2008/906-SM dated 19.11.2007

Right to Information Act-2005-Under Section (19)

Dated: 13 July 2009

Name of the Appellant : Smt. Pratibha Singhal,  
5-G-1, RC Vyas Colony,  
Bhilwara, Rajasthan.

Name of the Public Authority : CPIO, Bank of Baroda,  
Regional Office, Ajmer Region,  
Captain Durga prasad Chaudhary Marg,  
Vaishali Nagar, Ajmer - 305 004.

The Appellant was present in person.

On behalf of the Respondent, the following were present:-

- (i) Shri B.B. Garg, General Manager & FAA
- (ii) Shri Alwyn Games, Chief Manager
- (iii) Shri Anil Kumar Garg, Sr. Manager

The case in brief is as under.

2. The Appellant had, in two different applications addressed to the CPIO both dated 19 September 2007, requested for copies of the enquiry report of Smt Mithilesh Chauhan and Anita Chakraborty who had conducted the enquiry on her complaint against Sri KD Kanwar. The CPIO replied on 12 October 2007 and denied the information as exempt under Section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this reply, the Appellant preferred an appeal before the Appellate Authority on 5 December 2007. The Appellate Authority disposed off or appeal in his order dated 27 December 2007 and upheld the decision of the CPIO in not disclosing the information. It is against this order that she has come to the CIC in second appeal.

3. Both the parties were present during the hearing and made their submissions. While the Appellant was keen to get the copies of the enquiry reports along with the copies of the statements of witnesses, the Respondent argued that these enquiries had been conducted in confidence and statements had been recorded also in confidence and the disclosure of individual statements of witnesses would amount to disclosure of personal information given in confidence and might cause unwarranted invasion of the privacy of CIC/PB/A/2008/906-SM those individuals. The Respondent produced copies of those enquiry reports including the statements of individual witnesses for our perusal. After carefully examining the reports and the statements enclosed there with, we feel that, by and large, the copies of the enquiry reports could be disclosed to the Appellant but without the statements of individual witnesses given in confidence. Since these enquiries had been conducted confidentially and statements of witnesses recorded in confidence, disclosure of the copies of the

statements would expose those individuals and would cause unwarranted invasion of their privacy. Such information, without any relationship to any public activity interest, is exempt from disclosure under Section 8(1) (j) of the Right to Information (RTI) Act.

4. In view of the above, we direct the CPIO to provide to the Appellant within 10 working days from the receipt of this order the complete copy of the enquiry report of Smt Mithilesh Chauhan and the copy of the enquiry report of Anita Chakraborty from page 8 onwards excluding the copies of the statements of individual witnesses recorded by the enquiry officers. It is to be noted that all the pages of the latter enquiry report are not being allowed to be disclosed as those pages contain extensive extracts from the statements of individual witnesses including their names recorded in connection with this enquiry and the disclosure of those pages of the report would amount to disclosure of the statements which we have held not to be disclosed for reasons stated above.

5. With the above directions, this appeal is disposed of.

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

(Satyananda Mishra) 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) Assistant Registrar CIC/PB/A/2008/906-SM