

TAMILNADU INFORMATION COMMISSION

**No.2, Thiyagaraya Road, Teynampet,
Chennai 600 018. Tel: 24347590**

Order No.SA-5897 /SCIC/2016

Dated:09 .11 .2016

**Thiru K. RAMANUJAM, I.P.S.,(Retd.)
State Chief Information Commissioner**

Order

The contents of the petition filed by Thiru P. Suresh, under RTI Act, 2005 filed under Section 6(1) dated 15.03.2016, first appeal filed under Section 19(1) dated 22.04.2016 & 04.06.2016 the Right Information Act, response of the Public Authority dated 25.04.2016 and the Second Appeal filed under Section 19(3) dated 09.07.2016 were carefully examined by the Commission.

2. In his RTI petition addressed to the Virudhunagar district Registrar, the petitioner has asked for copies of the immoveable property returns, statement of liquid assets and statement of moveable property filed by Mrs. M. Saraswathi, Sub Registrar, Srivilliputtur. The petition was forwarded by the district registrar to the Sub-Registrar, Srivilliputtur who has sent the reply stating that since this is personal information it cannot be furnished. The petitioner has then filed an appeal before the First Appellate Authority, and since he did not get any response, he has preferred the Second Appeal to the Commission.

3. The information sought relates to the property returns of a government servant. In SLP (Civil) No.27734 of 2012 (Girish Ramchandra Deshpande vs CIC), the Honourable Supreme Court has held that 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 it 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.

4. When income tax returns are held to be personal information, by the same analogy, the property returns of a government servant could also be held to be personal information.

5. In this situation, the point to be decided is whether larger public interest is involved in warranting disclosure of this information. The petitioner points out that property returns of IAS officers are displayed for public view on the web. It is to be noted that only immovable properties of officers of All India Services are displayed. The decision to make public this information is that of the government specifically for All India Service officers. It cannot necessarily be extended to all government servants.

6. The petitioner claims that information held by government cannot be classified as personal information and that information available with government is a public document. If this is the case, all of the exemptions catalogued in section 8 of the RTI act will become irrelevant because the exemptions precisely apply only to information held by the government or any public authority. A document available with a public authority does not necessarily become a 'public document'. The word 'public' here does not have the same meaning as in 'public spectacle', as something open to public viewing.

7. It is to be noted that under Section 4(1)(b)(x) of RTI Act, every public authority is mandated to declare the monthly remuneration of every employee. Had the law-makers intended that Property

Returns should be open to public, they would have included this category of information too within the ambit of 4(1)(b). The fact that this has not been done would make it clear that this information has to be tested under the provisions relating to exemptions.

8. The petitioner states that this information will help to identify assets held but not declared to the government and also to ascertain whether approval of government had been received for assets purchased. Demanding information on such grounds will amount to undertaking a roving enquiry or a 'fishing expedition' in the hope of catching something. There are anti corruption agencies which are authorized and empowered to carry out such investigation and by and large, such probes are done in a discreet manner, so as not to cause unnecessary mortification in the event of the official being not corrupt. In fact, even such agencies summon the property returns only if a preliminary inquiry establishes the existence of a prima facie case. Authorizing people to get information about properties of public servants to enable them to probe whether there is irregularity even without putting forth any specific information to justify it would be tantamount to encouraging vigilantism.

9. There is no material to show that larger public interest is involved in making the information available. In the light of the above, the Commission does not find any reason to direct the public information officer, as requested by the petitioner, to furnish the information sought under RTI.

10. This order is issued under the Rule 5(1) (vii) of Tamil Nadu Information Commission (Appeal procedure) Rules, 2012, based on the documents and the evidences available.

STATE CHIEF INFORMATION COMMISSIONER

//By Order//

Assistant Registrar

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