

Most Immediate

RTI Matter

No. A-49012/8/2020/RTI/81

Government of India

Central Water Commission

RTI Cell

4th Floor (S), CWC

Sewa Bhawan, R.K. Puram

New Delhi-110066

Date: 09.03.2020

Sub :- Central Information Commission (CIC) order dated 28.6.2017.

Please find enclosed herewith email dated 11.2.2020 alongwith Department of Water Resources RD & GR letter No. I-13011/1/2020-Coord dated 7/11.02.2020 forwarding therewith Department of Personnel and Training O.M.F.No. 11/02/2019-IR dated 27.1.2020 and Central Information Commission Order dated 28.6.2017 for information and necessary action please.



(Rajesh Sharma)

Under Secretary & Nodal Officer

Tel: 011-2958 3317

Encl:-As above.

To

1. All CPIOs CWC Sewa Bhawan H.Q. New Delhi
2. All CPIOs CWC of Field Offices of CWC (as per list).
3. Deputy Director SMD for uploading on website.

----- Original Message -----

From: **SO Coord MoWR** <coord-mowr@nic.in>

Date: Feb 11, 2020 3:22:48 PM

Subject: Central Information Commission (CIC) order dated 28.06.2017

To: Ashok Kumar Kaushik <usadmn-mowr@nic.in>, Narendra Singh <usel-mowr@nic.in>, Santanu Rakshit <use2-mowr@nic.in>, "S.B. Pandey" <use3-mowr@nic.in>, Ajay Kumar <use4-mowr@gov.in>, Daya Krishna Paliwal <usps-mowr@nic.in>, dcbm-mowr <dcbm-mowr@nic.in>, Santanu Rakshit <usvig-mowr@nic.in>, vigilance-mowr <vigilance-mowr@nic.in>, admn-mowr <admn-mowr@nic.in>, Brahmaputra <bbrd-ghy@nic.in>, bcb242433@gmail.com, Chairman cwc <chairman-cwc@nic.in>, "CHAIRMAN, CGWB" <chmn-cgwb@nic.in>, CMD <cmd.npcc@nic.in>, cmd@wapcos.co.in, "Shri R. Vasudevan" <dda.nca@nic.in>, Director General NWDA <dg-nwda@nic.in>, dir-adm-gfcc <dir-adm-gfcc@nic.in>, dir@nih.ernet.in, S L Gupta <director-csmrs@nic.in>, Farakka Barrage Project Office of the General Manager <gmoffice-fbp@gov.in>, sebrb2008@rediffmail.com, secretarytbb@yahoo.com, SSCAC <sscac-mowr@nic.in>, UYRB <uyrb-mowr@nic.in>, "S.K.Kataria" <usgw-mowr@nic.in>

Sir,

Please find the attachment and comply with directions of CIC order dated 28.06.2017.

समन्वय अनुभाग

दूरभाष:011-23381895

AL
मायें सो (रि)

Immediate

No. I-13011/1/2020-Coord
Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR
Coordination Section

Room No. 2, 'B' Wing, Ground Floor,
Shastri Bhawan, New Delhi
Dated 07.02.2020

To

All the CPIOs of Public Authorities under this Department

Sub: Central Information Commission (CIC) order dated 28.06.2017.

Sir,

I am directed to forward herewith Central Information Commission (CIC)'s order dated 28.06.2017 forwarded by DoPT vide their communication dated 21.01.2020. It is requested to put in public domain the numerical details of ongoing departmental, vigilance and well as police prosecution cases. In no circumstances, names of the employees facing charges shall be disclosed and the year & department wise numeric data shall be disclosed. The Public Authorities working under the aegis of Union Government shall make public:

(a) Year wise Numeric data of pending as well as disposed Departmental/Vigilance/Court Cases against their employees initiated as(at the) instance of the employer;

(b) Rank/Post held by the charge sheeted employee; without disclosure of identity of the individual.

(c) Details of outcome in terms of finding i.e. exoneration or found guilty.

Encl : As above.

Yours faithfully

(Rajan Bhasin)

CPIO & Under Secretary to the Govt. of India
Tel. 23074033

Copy for similar action:

1. US & CPIO of establishment sections viz. Admn. E-I, E-II, E-III, E-IV, PSU, BM, GWE
2. US & CPIO of Vigilance Section

Copy for information to:

Shri Rakesh Kumar, Under Secretary, IR Division, Department of Personnel & Training, North Block, New Delhi

F.No.11-02/2019-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
(IR Division)

North Block, New Delhi
Dated. 27th January, 2020

OFFICE MEMORANDUM

Subject: Central Information Commission (CIC) order dated 28.06.2017-reg.

The undersigned is directed to forward CIC Order dated 28.06.2017 for action as appropriate.

2. This issues with the approval of the competent authority.

Encl: As above

[Signature]
27/01/2020
(Rakesh Kumar)
Under Secretary to the Govt. of India
Tele: 2304 0401

To

All Ministries/Departments

US (Coordn)
7/2/2020
So (C/Coord)

(2)

1000 PL

Mr. Smtg Rantia Sr. ASO

CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

File No. CIC/GNCTD/C/2017/178018
File No. CIC/OOCSD/C/2017/177956
File No. CIC/OOCSD/C/2017/177955
File No. CIC/OOCSD/C/2017/177954
File No. CIC/OOCSD/C/2017/177953
File No. CIC/OOCSD/C/2017/177951
File No. CIC/GNCTD/C/2017/311207
File No. CIC/GNCTD/C/2017/311208
File No. CIC/GNCTD/C/2017/311210
File No. CIC/GNCTD/C/2017/311209
File No. CIC/GNCTD/C/2017/311211
File No. CIC/GNCTD/C/2017/311213
File No. CIC/GNCTD/C/2017/311214
File No. CIC/GNCTD/C/2017/311260
File No. CIC/GNCTD/C/2017/311216
File No. CIC/GNCTD/C/2017/311217
File No. CIC/GNCTD/C/2017/311218
File No. CIC/GNCTD/C/2017/311220
File No. CIC/GNCTD/C/2017/311221
File No. CIC/GNCTD/C/2017/311223
File No. CIC/GNCTD/C/2017/311224
File No. CIC/GNCTD/C/2017/311225
File No. CIC/GNCTD/C/2017/311226
File No. CIC/GNCTD/C/2017/311261
File No. CIC/GNCTD/C/2017/311231
File No. CIC/GNCTD/C/2017/311265
File No. CIC/GNCTD/C/2017/311232
File No. CIC/GNCTD/C/2017/311234
File No. CIC/GNCTD/C/2017/311266
File No. CIC/GNCTD/C/2017/311235
File No. CIC/GNCTD/C/2017/311262
File No. CIC/GNCTD/C/2017/311236
File No. CIC/GNCTD/C/2017/311237
File No. CIC/GNCTD/C/2017/311268
File No. CIC/GNCTD/C/2017/311267
File No. CIC/GNCTD/C/2017/311239
File No. CIC/GNCTD/C/2017/311240
File No. CIC/GNCTD/C/2017/311263
File No. CIC/GNCTD/C/2017/311241
File No. CIC/GNCTD/C/2017/311242
File No. CIC/GNCTD/C/2017/311244
File No. CIC/GNCTD/C/2017/311245
File No. CIC/GNCTD/C/2017/311246
File No. CIC/GNCTD/C/2017/311247

624407/2020/Coordination Section

File No. CIC/GNCTD/C/2017/311249
 File No. CIC/GNCTD/C/2017/311250
 File No. CIC/GNCTD/C/2017/311253
 File No. CIC/GNCTD/C/2017/311254
 File No. CIC/GNCTD/C/2017/311256
 File No. CIC/GNCTD/C/2017/311258
 File No. CIC/GNCTD/C/2017/311251

Date of Hearing
 Date of Decision

28.06.2017

28.06.2017

Appellant/Complainant

Shri Ashok Kumar Reddy

Respondent

PIO, Chief Office of Chief
 Secretary
 GNCTD

Through:

Shri Amitabh Kundu, Dy. Secretary

Information Commissioner

Shri Yashovardhan Azad

Relevant facts emerging from complaints:

Case No.	Filed on	PIO reply	First appeal	FAO
178078	31.08.2016	-	-	-
177956	31.08.2016	-	-	-
177953	31.08.2016	-	-	-
177954	31.08.2016	-	-	-
177953	31.08.2016	-	-	-
177951	31.08.2016	-	-	-
311207	31.08.2016	-	-	-
311208	31.08.2016	-	-	-
311210	31.08.2016	-	-	-
311209	31.08.2016	-	-	-
311211	31.08.2016	-	-	-
311213	31.08.2016	-	-	-
311214	31.08.2016	-	-	-
311260	31.08.2016	-	-	-
311216	31.08.2016	-	-	-
311217	31.08.2016	-	-	-
311218	31.08.2016	-	-	-
311220	31.08.2016	-	-	-
311221	31.08.2016	-	-	-
311223	31.08.2016	-	-	-
311224	31.08.2016	-	-	-
311225	31.08.2016	-	-	-

624407/2020/Coordination Section

311226	31.08.2016	-	-	-
3112261	31.08.2016	-	-	-
311231	31.08.2016	-	-	-
311265	31.08.2016	-	-	-
311232	31.08.2016	-	-	-
311234	31.08.2016	-	-	-
311266	31.08.2016	-	-	-
311235	31.08.2016	-	-	-
311262	31.08.2016	-	-	-
311236	31.08.2016	-	-	-
311237	31.08.2016	-	-	-
311268	31.08.2016	-	-	-
311267	31.08.2016	-	-	-
311239	31.08.2016	-	-	-
311240	31.08.2016	-	-	-
311263	31.08.2016	-	-	-
311241	31.08.2016	-	-	-
311242	31.08.2016	-	-	-
311244	31.08.2016	-	-	-
311245	31.08.2016	-	-	-
311246	31.08.2016	-	-	-
311247	31.08.2016	-	-	-
311249	31.08.2016	-	-	-
311250	31.08.2016	-	-	-
311253	31.08.2016	-	-	-
311254	31.08.2016	-	-	-
311256	31.08.2016	-	-	-
311258	31.08.2016	-	-	-
311259	31.08.2016	-	-	-

Since the captioned complaints have been filed enbloc by the complainant and involve identical queries, they are clubbed for the purpose of hearing & adjudication.

ORDER

1. The captioned 51 distinct complaints emanate from a common-in-content RTI application with a single query but spawning across as many as 51 different Ministries & prominent Departments of the Union of India. The complainant, who seems to be on a mission to catalogue a directory of 'corrupt officers' in the employment of Govt. of India, sent as many as 51 RTI applications aimed to gather details of all tainted employees. He drafted a model RTI application for the gigantic task. Interestingly, the complainant addressed all these RTI applications to Chief Secretary, Govt. of National Capital Territory of Delhi; an office, which admittedly

was not the custodian of information sought. It would be profitable to refer the model RTI applications:

To

The Chief Secretary,
Delhi NCT

Following information is needed through RTI Act and through your request / order to the Ministry of Civil Aviation.

Information sought for files of corrupt officers and corrupt politicians.

Department - Ministry of Civil Aviation.
Domain - Central Govt.

"Send me the files pertaining to the corrupt officers and corrupt politicians from Ministry of Civil Aviation in an electronic form (DVD or Pen drive)"

Names of various Ministries & departments substituted in respective RTI applications]

2. The PIO, O/o Chief Secretary, GNCTD as per the mandate of Section 6(3) of the RTI Act, 2005 transferred all 51 RTI applications to the respective quarters under the aegis of Union Govt. As per the record produced before the Commission, all complaints are predicated upon a common ground of 'no-reply' from the respective transferee public authorities.
3. The parties are present and heard. At outset, the complainant apprises the Commission that after the present complaints were registered, he received reply from various Ministries and Departments indicating the vagueness of his query.
4. In all fairness, the complainant concedes that the information sought by him in the present batch of RTI applications was vague and having indefinite dimensions. The Commission is in agreement with the complainant on this aspect and finds that none of the present complaints call for invocation of jurisdiction of Commission as conferred under Section 18 of the RTI Act. However, owing the context of present RTI application, the Commission is inclined to voice its opinion.

to check and penalize the act of Corruption by public servants, the legislature enacted The 'Prevention of Corruption Act', 1998. Despite the fact that a law was named after it, the word 'Corruption' remains undefined statutorily. 'Corruption' in a popular understanding implies the idea of deviation from moral benchmark. In reference to public offices, it implies the use of public office for private good. Corruption is a facet of dark side of human character and has deep roots in Indian society particularly. Corruption dates back to very inception of human civilization, however, it has attained new heights in the present materialistic age. Kautilya, opines as:

...just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat at least a bit of the king's revenue. Just as fish moving underwater cannot possibly be found drinking it, similarly it is not possible to find out government servants taking money for themselves'.

6. In *Saroj Vs. CPIO, Vigilance Department, South Delhi Municipal Corporation*: MANU/CI/0394/2017, a similar situation came up for consideration of this bench wherein the appellant desired to know the numeric details of Departmental action initiated in the respondent public authority. It was observed as:

10. The present case has drawn attention of the Commission towards the larger problem. The citizenry has a right to lift the veil & know about the state of discipline and order prevailing amongst the employees of a public authority. Such right assumes pivotal significance when the public authority is a civic body of the National Capital shouldering wide horizons of functions which are essentially citizen-centric. The state of inordinately delayed Departmental Actions in the erstwhile MCD (now North DMC, SDMC, EDMC) is no secret. Delay in such cases is opposed to justice. While the delinquents often go unpunished since due to delay in concluding Departmental actions, often courts of law tend to pardon them, on the other hand innocent employees are denied quick justice and are subjected to a long dint of harassment. The need of acting expeditiously in Departmental actions and the hazards of delayed proceedings are beautifully summarised by Justice Vikramjit Sen in the case of *Shri M.L. Tahiliani vs. D.D.A.* MANU/DE/0668/2002. Relevant extract is reproduced hereinafter:

15. A distillation of the plethora of precedents would yield the results that the Court must balance public interest against the

rights of the individual. Neither should he be scarified at the altar of the other. While public servants ought to be enduringly answerable for the manner in which they discharge their duties, they are not disentitled from claiming the protection of the tenets of natural justice. However this longer period of accountability attached to public office should not become a test of their endurance. The normal rule is that the initiation and the culmination of an enquiry should be diligently expeditious, since unexplained and/or unjustified delay would invalidate the exercise at its every stage. While 'zero tolerance' would apply to trivial/minor misconduct, latitude would increase with the gravity of the offence. Protraction of proceedings, deliberate or derelictional, must be abjured. It is needless to explain that where the delay is caused by the delinquent, the Enquiry must be allowed to continue to its end. Once the alleged misconduct is detected the process must proceed with all reasonable dispatch. A late detection should not render the Enquiry irregular. Public interests would be served by a quick and speedy end to the Enquiry; it is not cynical to profess the view that Enquiries are deliberately stretched in order to protect the accused or to ensure that a Pandora's box is not opened, revealing a larger conspiracy and accountability. Permitting inordinate delay runs counter to the common weal. Most often it is deliberately planned so that the truth does not surface. Enquiries usually commence with a defalcation becoming a public scandal, and delay directly results in its hushing up, since public memory is infamously short. If Courts stringently quash delayed enquiries the result would be their expeditious conclusion since otherwise the Department, which is already embarrassed by the scandal, would be rocked by failure to prove or disprove the charges. That the protraction of proceedings may be a concerted effort of all concerned can be gathered from the needless reference of most of the cases to the Central Vigilance Commission (CVC) even though the DDA has its own vigilance machinery. In condoning delay, the Court tends to allow uncomfortable truths to be swept under the carpet into obscurity. Where enquiries coincide with the promotional rights/chances of the officer charged with misconduct, the Judge must be alive to the likelihood of it being intentional and motivated, rather than coincidental and truthful. While deciding a writ petition challenging the legal propriety of continuance of Inquiry proceedings on the grounds of inordinate delay, the Court is not

expected to assess the relative strengths of the prosecution's case and/or of the defence. That is essentially the function of the Enquiry. However, once substantial delay has transpired, what the Court must carefully examine is whether, even on a cursory perusal of the Charges, the case is worthy of continuance. This is primarily for the reason that where the departmental proceedings have become inordinately protracted the requirement of conducting a speedy trial has been violated but also that it would be fair to infer from the delay that the Enquiry was initiated and continued for some oblique motive. Charge-Sheets and Enquiry can never be permitted to be misused as tools for a witch-hunt or an inquisition, or a means to steal a march in promotions. Where progress to the next higher post is impeded because of the initiation of a Charge-Sheet or Enquiry, innocence must be zealously presumed until guilt stands established. This approach is definitely conducive for proper administration, including that of justice.

[Emphasis added by Commission]

11. In the considered opinion of the Commission, the citizenry has a right to know about the human capital of municipal authorities and the same shall be in the best interest of transparency & administrative reform.

7. The Commission has no hesitation to hold that dynamic numeric data relating to departmental & vigilance proceedings falls within the purview of Section 4(1) of the RTI Act, 2005 and thus, the same must be put in public domain, proactively. Disclosure of such data shall serve as a tool in better governance and thus undoubtedly serves larger public interest. Accordingly, the Commission in exercise of powers conferred under sub-clauses (iii) & (iv) of Section 19(3)(a) directs all Ministries of the Union of India and departments, & instrumentalities, subordinates thereto, to publish the numerical details of ongoing departmental, vigilance and well as police prosecution cases. In no circumstances, names of the employees facing charges shall be disclosed & the year & department wise numeric data shall be disclosed. The Commission cannot postulate all the modalities of execution of the present direction, however prescribes the minima and leaving the modalities of compliance to the public authorities. The public authorities working under the aegis of Union Government shall make public:

(a). Year wise Numeric data of pending as well as disposed Departmental / Vigilance / Court cases against the employees initiated at instance of the employer;

(b). Rank/Post held by the charge sheeted employee; without disclosure of identity of the individual.

(c). Details of outcome in terms of finding i.e. exoneration or found guilty.

8. The Commission directs the registry to send the present order to the Secretary, Department of Personnel & Training for circulating the same to all Ministries/ Departments & Corporations falling under the aegis of Union Government. The Commission directs that the present order shall be complied within 3 months of receipt by respective public authorities. The Commission hopes that the Secretary, DoPT shall apprise all concerned expeditiously.
9. The present complaints are disposed.

Sd/
(Yashovardhan Azad)
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.

(R. P. Grover)
Designated Officer