Government of India/Bharat Sarkar
Ministry of Railways (Railway Board)

No: 2010/V1/RTI/1/1

New Delhi, dated: 04.1.2011

The SDGMs
All Indian Railways & PU's &
The CVOs/PSUs

Sub: Landmark decision by CIC endorsing Railways's action of not providing vigilance case file under Section 8(1) (g) of RTI Act.

Please refer to Board's letter of even no. dated 9th July, 2010 enclosing a decision dated 20.1.2010 by CIC endorsing the decision of Western Railway, Mumbai of not providing the vigilance case file under section 8(1)(g) of the RTI Act. A copy of the judgement dated 20.1.2010 is again enclosed for ready reference.

In this case, CIC denied the information to the appellant under section 8(1)(g) of the RTI Act. Commission also noted that using the severability clause in such cases is not practical or effective as names, designations, activities, remarks are all interlinked and identifying parts exempt from disclosure is impossible.

It is once again reiterated that while dealing with RTI questions asking for information of similar nature, the provisions/decision dated 20.1.2010 given by the CIC needs to be kept in view.

DA: As above.

[Vikas Purwar]
Director Vigilance (Mech.)
Railway Board.
The applicant filed an RTI application dt.12.5.09 with the Sr. PIC & DGM (G), WR, Mumbai seeking copies of all the notings and correspondence pages of the vigilance file No.B/C/2004/05/C/6/1567/09 pertaining to the vigilance case against him. The Sr. PIC replied on 5.6.09 denying the information as per section 8(1)(i) of RTI Act as the case was still under DAR proceedings. (Copy not in file.) Not satisfied with the reply, the applicant filed an appeal dt. 12.6.09 with the Appellate Authority, restating his request for the information. Sr. D.K. Sen, Appellate Authority replied on 16.6.09 upholding the decision of the PIC being aggrieved with the reply, the applicant filed a second appeal with the Commission.

The Hon’ble Mr. Kamalender Jyuve, Information Commissioner, scheduled the hearing for January 20, 2010.

Sr. C.D. Joshi, Sr. Vig. Officer represented the Public Authority.

Efforts were made to contact the applicant over the phone but contact could not be established. However, the applicant arrived later and was able to present his case before the Commission.

The Commission received a rejoinder dt.19.1.10 from Shri Meharvir Singh, PIO (Vigilance) in which he stated that Shri D.K. Sen, appellant who was working as Radiographer at Ratlam Divisional Hospital, Western Railway was trapped by Western Railway Vigilance team for demanding and accepting Rs.1500/- as illegal gratification from the proprietor of the firm. He was subsequently suspended and major penalty DAR action was initiated against him as per DAR rules by the competent authority. The applicant vide his RTI application has sought copies of all the notings and correspondence pages of vigilance file related to this case. Shri Meharvir Singh stated the following in support of his denial of information:

"... Investigations, checks and trap cases done by the vigilance and its working is very sensitive and confidentiality of the document has to be maintained. These include statement of various employees and outside persons, documents collected..."
The Commission, however, in an attempt to get deeper insight into the matter requested for further explanation from the Respondents for not disclosing information under Sections 8(1)(h) and 8(1)(g) of the RTI Act, while deciding that another hearing of the complaint would be held to come to a decision. Accordingly, a notice was sent to both parties on 25.1.2021 informing them about the decision to hear them through video conferencing on 25.1.2021 at 10:30 am.

Mr. Maneaver Singh, PID(Vig.) & Shri D.K. Chaudhary, DVC(CVC) ‘Stress’ representing the Public Authority and the applicant were present at NIC-Mumbai.

In response to the notice sent on 25.1.2021, a letter dated 25.1.2021 from Shri Maneaver Singh, PID Vigilance explaining the position of the Vigilance section. Excerpts from the letter are reproduced below:

Vigilance file contains very sensitive and confidential information about persons involved in the search, planning, execution and methodology of conducting the plan etc. It will lead to disclosure of secrecy and confidentiality of methodology and planning of decoy checks to general public. All these sensitive information if disclosed will endanger the safety of the persons involved in decoy checks. It will discourage officials to perform effectively against corrupt officials. Hence it should be exempted from disclosure u/s 8(1)(g).

If the content and copy of Vigilance file is made available through RTI, details about officials and person involved in the case will be disclosed. They unnecessarily get harassed and subjected to discrimination by officials against whom they have given information or statements. The action of officials involved in investigation and assistance is given in anticipation of confidentiality/secrecy to be maintained by the Vigilance branch. Hence such information is denied u/s 8(1)(g).

As mentioned in RTI preamble:

'AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to combat corruption and to hold Governments and their instrumentalities accountable to the governed'. 

The Respondents further state that there is no application for exemption u/s 8(1)(h) of the RTI Act, and it is not necessary to disclose the information under Section 8(1)(g) of the Act.
The Commission on careful consideration of the submission by the Respondent on
individual while accepting that and that a number of pages have been used to
record and after hearing them noted that the particular case is one of

applicant in other RIV application.

documents which were not considered have already been supplied to the
part of other RIV application to any action against the Charged Officers. Other
no logic or principle which made the document which are not

OWN case, namely etc. are passed on these pages (own documents) where
proceedings, Some were also supplied to (amended to this case), Where
own department, Peer Check (Agency) All information and documents referred to
which is a case where this proceeding involved after influence

charge for registration.

and where handled such confidential investigation hence the application
these information can be used to identify the source and persons involved
their handwriting, these of document and information and dealing the file etc. All

impossible.

every person etc. all of which is an essential part of this investigation for

V) P (J) Prateel Thenn, "access may be provided to the part of this

merely containing exempt information. This case can not be extended in

considering exempt information. This case can not be extended in

exempted fall under the category. Hereby, the experts of different

state involved in high treason, conspiracies, etc. are not involved in the

enforcement. The above information will be provided to the person who is the

witness, involvement of procuring corporate records, or requests for information

influence, involvement in any proceedings, any request for information, or disclosure

influence, involvement in any proceedings, or requests for information.
Dear Sir,

I am writing to request the information that you have in your possession about the case of [Name].

The information I require includes the names of the parties involved, the dates of the incidents, and any other relevant details.

Please provide the requested information as soon as possible.

Thank you.

Yours sincerely,

[Your Name]