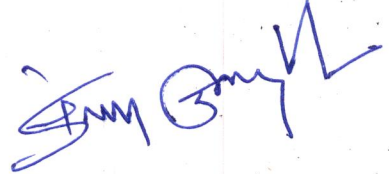


मुख्यालय/Headquarters
सीमा सड़क महानिदेशक
Director General Border Roads
(सूचना का अधिकार प्रकोष्ठ/RTI Cell)

THIRD PARTY TRANSPARENCY AUDIT 2023-24

1. Reference your Cell ION No. 24706/BRO Website/DGBR/58/EDP dated 05 Dec 2024.
2. The under mentioned data/details pertaining to RTI Cell are forwarded herewith in Pdf format through E-Mail/Hard copy for uploading/updating on BRO website please :-
 - (a) Summary of RTI request and appeal 2024-25
 - (b) Disposal of RTI request and appeal 2024-25
 - (c) Updated details of CPIO/FAA
 - (d) Details of FAA&CPIO of HQ DGBR wef Jan 2015
 - (e) Important CIC order with its index
 - (f) RTI policy letter with its index



(Sanjan Kumar Mishra)
EE(E&M)
Nodal Officer (RTI)
HQ DGBR

Encls: 33 sheets

DGBR/EDP Cell

RTI Request & Appeal Management Information System(RTI-MIS)

HOME SEARCH ASSESSMENT MASTER UPDATION ANNUAL RETURN UTILITIES REPORT LOGIN HISTORY
 LOGOUT

RTI REQUEST(S) APPLICATION RECEIVED DURING THE PERIOD - 01/04/2024 TO 13/12/2024

Public Authority: Border Road Organisation

Role : Nodal Officer

User : Sanjay Kumar Mishra

							Print
RTI Request(s) application received during the period - 01/04/2024 to 13/12/2024							
Border Road Organisation							
Duration of Report	Request(s) Received	Initial Action to be Taken	Request(s) Disposed of				Pending Request(s)
			Rejected	Information Provided (4)	Transferred to other Public Authority	Returned To Applicant (5)	
April 1st 2024 to December 13th 2024	527	2	39	303	98	67	18

RTI Request(s) application disposed during the period - 01/04/2024 to 13/12/2024			
Border Road Organisation			
Duration of Report	Information provided for RTI Request		
	Total Request(s) Disposed of	Within 30 days	After 30 days
April 1st 2024 to December 13th 2024	507	475	32

RTI Appeal(s) application received during the period - 01/04/2024 to 13/12/2024						
Border Road Organisation						
Duration of Report	Opening Balance (1)	Appeal(s) Received (2)	Initial Action to be Taken (3)	Appeal(s) Disposed of		Pending Appeal(s) (6)=(1)+(2)-(4)-(5)
				Information Provided (4)	Returned To Applicant (5)	
April 1st 2024 to December 13th 2024	0	48	0	35	6	7

RTI Appeal(s) application disposed during the period - 01/04/2024 to 13/12/2024			
Border Road Organisation			
Duration of Report	Information provided for RTI Appeal		
	Total Appeal(s) Disposed of	Within 30 days	After 30 days
April 1st 2024 to December 13th 2024	41	33	8

MONTHLY UPDATION: LIST OF CPIO/PIOS & APPELLATE AUTHORITY: HQ DGBR AND OTHER PROJECTS

S/No	Name of Public Authy	Name of the CPIO at HQ DGBR	Name of Appellate Authy	Sex	Designation	Address	Phone No.	Fax No.	Subject
01.	HQ DGBR	-	Col Siddharth Ranjan	Male	Dir (Pers), HQ DGBR	Seema Sadak Bhawan, Ring Road, Delhi Cantt, New Delhi	011-25686863	011-25686860	RTI (Complete matters)
02.		Shri Sanjay Kumar Mishra, EE (E&M)	-	Male	Jt Dir (Pers) HQ DGBR	Seema Sadak Bhawan, Ring Road, Delhi Cantt, New Delhi	011-25687112	011-25684632	RTI (Complete matters)

NAME OF PIO AT PROJECT LEVEL

PROJECT ARUNANK

03	HQ CE (P) Arunank	-	H. Murthy, SE (Civ)	Male	Dir	HQ CE (P) Arunank, C/O 99 APO	0360-2953219 Mob-9482603777	0360-2953214	RTI (Complete matters)
04		Shri Indresh Kumar, SAO	-	Male	JD	HQ CE (P) Arunank, C/O 99 APO	0360-2953214 - 2953215	0360-2953213	RTI (Complete matters)

PROJECT BRAHMANK

05.	HQ CE (P) Brahmank	-	Col LRJ Robert	Male	Dir	HQ CE (P) Brahmank, C/O 99 APO	0368-2222124	0368-2222342	RTI (Complete matters)
06.		Shri VK Banerjee, SAO	-	Male	JD	HQ CE (P) Brahmank, C/O 99 APO	0368-2222173	0368-2222342	RTI (Complete matters)

PROJECT BEACON

07.		-	Shri Deepak Kumar, SE (E&M)	Male	Director (EME)	HQ CE (P) Beacon, C/O 56 APO	0194-2952708 Mob. 9899110295	0194-2300137	RTI (Complete matters)
08.	HQ CE (P) Beacon	Shri PKN Gaikwad, SAO	-	Male	JD	HQ CE (P) Beacon, C/O 56 APO	0194-2300237	0194-2300137	RTI (Complete matters)

PROJECT DANTAK

09.		-	Col Prerit Rawat	Male	Dir (Wks & Plg)	HQ CE (P) Dantak, C/O 99 APO	0097517479917	009752351285	RTI (Complete matters)
10.	HQ CE (P) Dantak	(1) Shri Harsh Bardhan, AO (Pers Matter) (2) Lt Col Sandeep Saxena (E4 Matter) (3) Shri Kundan Kant, EE (Civ) (Wks matter)	-	Male	SO2 (Pers) JD (EME) JD (Wks)	HQ CE (P) Dantak, C/O 99 APO	009752351086	009752351003	RTI (Complete matters)

PROJECT HIRAK

11.		-	Shri Atul Kumar Gupta, SE (Civ)	Male	Dir (Wks)	HQ Hirak, C/O 56 APO	05943-265873	05943-265875	RTI (Complete matters)
12.	HQ CE (P) Hirak	Lt Col Akshay S Inamdar	-	Male	JD	HQ Hirak, C/O 56 APO	05943-265873	05943-265875	RTI (Complete matters)

PROJECT CHETAK

13.		-	Shri Nikesh Chandra, SE (Civ)	Male	Dir	HQ CE (P) Chetak, C/O 56 APO	0151-2250390, 2250391	0151-2250589	RTI (Complete matters)
14.	HQ CE (P) Chetak	Shri Rainandan, EE (Civ)	-	Male	JD	HQ CE (P) Chetak, C/O 56 APO	0151-2252396,	0151-2250589	RTI (Complete)

Contd...P/3

PROJECT SEWAK**PROJECT SEWAK**

15.		-	Shri Suraj Kumar Gupta, SE (E&M)	Male	Dir (EME)	HQ CE (P) Sewak, C/O 99 APO	03862-248238, 9823404250	03862-248232	RTI (Complete matters)
16.	HQ CE (P) Sewak	Shri GP Baniya, EE (Civ)	-	Male	JD	HQ CE (P) Sewak, C/O 99 APO	03862-9435558969	03862-248232	RTI (Complete matters)

PROJECT SAMPARK**PROJECT SAMPARK**

17.		-	Shri Chaman Lal, SE (Civ)	Male	Dir	HQ CE (P) Sampark, C/O 56 APO	0191-2480445	0191-2480306	RTI (Complete matters)
18.	HQ CE (P) Sampark	Shri VR Racharla, SAO	-	Male	Jt Dir (Pers)	HQ CE (P) Sampark, C/O 56 APO	0191-2480445 2484882	0191-2480306	RTI (Complete matters)

PROJECT SHIVALIK**PROJECT SHIVALIK**

19.		-	Shri MS Marjunatha Naik, SE (Civ)	Male	SE (Civ)	HQ CE (P) Shivalik, C/O 56 APO	0135-2455607 Mob-6397069606	0135-2455301	RTI (Complete matters)
20.	HQ CE (P) Shivalik	Shri BL Meena, SAO	-	Male	JD (Pers)	HQ CE (P) Shivalik, C/O 56 APO	0135-2455303 Mob-9876975985	0135-2455301	RTI (Complete matters)

EASTERN BASE WORKSHOP									
21.	EBW	-	Shri Sunil Kumar, Sinha, SE (E&M)	Male	SE (E&M)	Eastern Base Workshop (GREF), C/O 99 APO	03712-295711	03712-295711	RTI (Complete matters)
22.		Col Nandini Pandey (Wks info)	-	Male	Col	Eastern Base Workshop (GREF), C/O 99 APO	03712-295706	03712-255307	RTI (Wks matters)
23.		Col Nandini Pandey (Production Info)	-	Male	Col	Eastern Base Workshop (GREF), C/O 99 APO	03712-295739	03712-255307	RTI (Production matters)
24.		Shri Dani Rissang, EE (E&M) (Pers Info)	-	Male	EE (E&M)	Eastern Base Workshop (GREF), C/O 99 APO	03712-255708	03712-255307	RTI (Pers matters)
25.	PROJECT UDAYAK								
26.	HQ CE (P) Udayak	-	Col S Deepak	Male	Col	HQ CE (P) Udayak, C/O 99 APO	03759-2242096 Mob-8493987203	03759-249613	RTI (Complete matters)
		Shri Anil Kumar P, SAO	-	Male	JD (Pers)	HQ CE (P) Udayak, C/O 99 APO	03759-296305 Mob-7002855029	03759-249613	RTI (Complete matters)
PROJECT YOJAK									
28.	HQ CE (P) Rohtang Tunnel	-	Col Vikas Gulia	Male	Col	HQ CE (P) Yojak, C/O 56 APO	01902-256075	01902-256075	RTI (Complete matters)
29.		Shri Roshan Kumar Singh , EE(Civ)	-	Male	EE (Civ)	HQ CE (P) Yojak Tunnel, C/O 56 APO	01902-256075	01902-256075	RTI (Complete matters)

PROJECT VIJAYAK**PROJECT VIJAYAK**

30	-	Shri Chandraket Kumar, SE (Civ)	Male	SE (Civ)	HQ CE (P) Vijayak, C/O 56 APO	01985-234124 Mob-9531945346	01985-234121 (Civ)	RTI (Complete matters)
31	HQ CE (P) Vijayak	Shri Binod Singh, SAO	Male	JD (Pers)	HQ CE (P) Vijayak, C/O 56 APO	01985234124 Mob-9041428083	01985-234121	RTI (Complete matters)

PROJECT SWASTIK**PROJECT SWASTIK**

32	-	Shri Anuraag Jasraaj Singh, SE (Civ)	Male	Dir	HQ CE (P) Swastik, C/O 99 APO	03592-259208 Mob-9412090133	03592-229210 (Civ)	RTI (Complete matters)
33	HQ CE (P) Swastik	Lt Col Nitin Kumar	Male	JD	HQ CE (P) Swastik, C/O 99 APO	03592-259208 Mob-9592977753	03592-229210	RTI (Complete matters)

PROJECT PUSHPAK**PROJECT PUSHPAK**

34	-	Col DV Singh	Male	Dir	HQ CE (P) Pushpak, C/O 99 APO	03892351424, 2351425 Mob-9971670301	03892351908	RTI (Complete matters)
35	HQ CE (P) Pushpak	Shri Devender Kumar, EE (Civ)	Male	EE (Civ)	HQ CE (P) Pushpak, C/O 99 APO	9650737038	03892351908	RTI (Complete matters)

PROJECT DEEPAK**PROJECT DEEPAK**

36	-	Shri KK Sharma, SE (Civ)	Male	Dir	HQ CE (P) Deepak, C/O 56 APO	01772830991 Mob-9503439688	01772633966	RTI (Complete matters)
37	HQ CE (P) Deepak	Shri Shushil Mandeo EE(Civ)	Male	EE(Civ)	HQ CE (P) Deepak, C/O 56 APO	01772830991 Mob-8731018145	01772633966	RTI (Complete matters)

PROJECT HIMANK

38		-	Shri Sanjay Narayan, SE (Civ)	Male	Col	HQ CE (P) Himank, C/O 56 APO	01982-264088	01982-264474	RTI (Complete matters)
39	HQ CE (P) Himank	Shri RN Yadav, SAO	-	Male	JD (Pers)	HQ CE (P) Himank, C/O 56 APO	01982-264088	01982-264474	RTI (Complete matters)

PROJECT VARTAK

40		-	Shri DS Rao, SE (Civ)	Male	Dir	HQ CE (P) Vartak, C/O 99 APO	03712-221513 Mob-7351001447	03712-225995	RTI (Complete matters)
41	HQ CE (P) Vartak	Shri Lal Mani Singh, EE (Civ)	-	Male	EE (Civ)	HQ CE (P) Vartak, C/O 99 APO	03712-221513 Mob-9910744333	03712-225995	RTI (Complete matters)

GREF CENTRE

42		-	Col HS Ahluwalia	Male	Dy Comdt	GREF Centre, Dighi Camp, Pune-15	020-27172372	020-27171231	RTI (Complete matters)
43	GREF Centre	Shri Manvendra Kumar, EE (Civ)	-	Male	EE (Civ)	GREF Centre, Dighi Camp, Pune-15	020-27172372 Mob-9958535111	020-271151231	RTI (Complete matters)

GREF RECORDS

44		-	Lt Col Girish Joshi	Male	Lt Col	GREF Records, Dighi Camp, Pune-15	8903454858	020-27150795	RTI (Complete matters)
45	GREF Records	Shri PRK Gupta, AO	-	Male	AO	GREF Records, Dighi Camp, Pune-15	020-27172372 Mob-8055302524	020-27150795	RTI (Complete matters)

NAME AND DETAILS OF FAA & CPIO OF HQ DGBR

S/No.	Name of FAA/CPIO	Period		Remarks
		From	To	

Earlier FAA wef 01 Jan 2015

1	Brig Pankaj Chouhan, DDG(Pers)	01.01.2015	11.05.2016	
2	Shri PK Mahajan, CE(Civ), VSM, DDG Pers	12.05.2016	12.11.2016	
3	Shri Tapas Das, Dir(Adm)	13.11.2016	31.08.2018	
4	Shri S Suresh Kumar, Dir(Adm)	01.09.2018	14.03.2021	
5	Col PH Reddy, SM* Dir (Pers)	15.03.2021	10.12.2023	

Earlier CPIO wef 01 Jan 2015

1	Shri DK Kashyap, SAO	01.01.2015	03.06.2016	
2	Shri GS Naroo, SAO	04.06.2016	15.01.2017	
3	Shri KP Choudhari, JD (Adm)	16.01.2017	30.01.2019	
4	Shri HK Patnaik, JD (Adm)	31.01.2019	02.06.2019	
5	Shri SB Sharma, SAO	03.06.2019	26.11.2020	
6	Shri Ashok Kumar, SAO	27.11.2020	05.05.2022	
7	Shri Sunil Kumar, EE(Civ)	06.05.2022	28.05.2024	

Current FAA

1	Col Siddharth Ranjan, Dir (Pers)	11.12.2023	till date	
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Current CPIO

1	Shri Sanjay Kumar Mishra, EE(E&M)	29.05.2024	till date	
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INDEX OF IMPORTANT JUDGEMENT ON RTI

S/NO	DECISION NO & DATE	Operative part of judgement	PAGE	
			FROM	TO
1.	CIC decision on File No. CIC /AD/A/ 2012/ 003341-SA dated 07-01-2014	Every spouse has right to know salary details of Govt employees	01	06
2.	CIC decision on File No. CIC/ SM/A/ 2013/ 000755-YA dated 07-07-2014	RTI Act cannot be permitted to be used as a tool for blackmailing or harassing a Public Authority.	07	08
3.	CIC decision on File No. CIC/SS/C/ 2013/000452-YA dated 01-08-2014	-do-	09	10

(30)

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

File No.CIC/AD/A/2012/003341-SA

(Jyoti Seherawat Vs. Home (General) Dept., GNCTD)

Appellant : Ms.Jyoti Seherawat
Respondent : Home (General) Department
Date of hearing : 7.1.2014
Date of decision : 7.1.2014

Information Commissioner : Prof. M. Sridhar Acharyulu
(Madabhushi Sridhar)

Referred Sections : Sec.4(1)(b)(x), 8(1)(j) and 11(1) of
the RTI Act.

Result : Appeal allowed

Headnote

i) Information about the salary of an employee of a public authority is not third party information. Such information has to be voluntarily disclosed u/s 4(1)(b)(x) of the RTI Act.

ii) Every spouse has a right to information about the particulars of salary of other spouse especially for the purpose of maintenance. More so, wife has a right to know the salary particulars of the husband, who is an employee of the public authority.

FACTS

Heard today dated 7.1.14. Appellant not present. The Public Authority is represented by Shri Anil Agrawal, Supdt. Home (General) Department and Shri Sunil Kumar, Law Officer.

2. The Appellant filed an RTI application dt.2.6.12 with the CPIO, Home General Department, GNCTD seeking the following information with regard to her husband Shri Sudhir Singh Seherawat:

Salary slip for the month of May 2012 including all allowances like TA, DA and HRA.

On not receiving any response, the Appellant filed an appeal dt.11.9.12 with the Appellate Authority. The CPIO replied to the RTI application vide letter dated 18.6.12 stating as follows:

It is informed that information can not be supplied as Shri Sudhir Singh, Warder 642 has given in writing to this department that any information regarding him will not be supplied

The CPIO's reply dt.18.6.12 was dispatched to the Appellant on 20.9.12 and received by the Appellant on 23.9.12.

The Appellate Authority disposed of the appeal vide his order dt.26.9.12 upholding the decision of the PIO.

Being aggrieved with the reply, the Applicant filed a second appeal dt.5.10.12 before CIC.

3. During the hearing, the Respondent submitted that information was denied since the third party has objected to its disclosure. He, however, admitted that same does not belong to third party and agreed to disclose the same.

4. The Commission in various cases has directed the Public Authority to disclose the salary particulars of its employees to the information seeker irrespective of whether the information seeker is related to the employee or not. Earlier too, CIC has directed public authorities to disclose salary particulars of husband to the wife. For instance, in *Ritu Sharma v NTPC* No. 1016/IC/(A)/2007 dated 11th July 2007, Prof MM Ansari held that denial of salary information about husband by public authority invoking Section 8(1)(j) was not enable. Under the RTI Act, the public authorities have the obligation to disclose the monthly emoluments paid to their employees. U/s 4(1)(b)(x) of the Act, "the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations" should be published. A similar order is given by Mrs Sushma Singh (present Chief Information Commissioner) in *Smt Rita Aeri v Air India* in CIC/SS/A/2010/001145 dated 21.3.2011. In *Lakshmi Ramesh Sawekar v Dept of Posts*, No.CIC/LS/A/2011/00276, Mr M L Sharma, IC held on 23rd January 2012 that a legally wedded wife is entitled to information about the salary of her husband.

5. The respondent Home Department in this case denied the salary information of the husband, it's employee to his wife. At two stages of RTI, the PIO and Appellate Authority simply considered the salary information as third party; same was also contended by the Law Officer before the Commission.

6. In spite of specific decisions and directions by the CIC, the PIOs and AAs are repeatedly denying the salary particulars to the wife contending that this information belonged to third party, or being a personal information that could be refused under Section 8(1)(j) etc. The PIOs and AAs are disposing of the petitions in a routine manner like general office file, without applying the reasons and their

orders of rejection also disclose no reasons. This also explain the lack of understanding and training on the issues pertaining to access law and various judgments rendered on the subject among the designated officers of Public Authorities.

7. Hence this question needs specific explanation for the better understanding of rights and duties and implementation of RTI with reference to this aspect.

- a) The salary paid to the public servant by the public authority is sourced from the tax paid by the people in general. The scale of salary is also fixed by the Public Authority based on certain reasonable fixation in an open exercise by Pay Revision Commissions which later would be generally approved by the Government, which is the representative of the people. Thus the information belongs to public and they have a right to access to it as per RTI Act. It has to be disclosed under Section 4 voluntarily by the Public Authority and if a member of public seeks it, it cannot be denied.
- b) The information about salary of employee/officer of the same Public Authority cannot be considered as 'third party information'. The employee of the public authority is part of that public authority and hence he is not the third party. Hence there is no need to obtain the consent of the particular employee for disclosure of that information as provided under the RTI Act, unless it falls under any exception. It may be recalled that even in case of third party information, if the Commission considers the public interest demands, such information can be given in spite of refusal by the third party. Public Authorities cannot reject such RTI applications about salary under the pretext of third party information.
- c) Based on above two reasons, every member of general public is entitled to know the salary of the employee of public authority. The wife of that particular employee is also entitled to know it as a member of general public. Hence irrespective of her marital status, she has every right to know the particulars of public servant's salary.
- d) As per the provisions of various personal laws applicable to people of different religions, the husband as an earning member of family has a legal

duty to maintain the wife and children. It is an undisputed fact that the dependents such as wives and children can seek a direction from the Courts of Justice. Even after the divorce, the family law ordains that Husband has a duty to provide for necessary maintenance of the wife and children. Section 125 of Criminal Procedure Code mandated that husband has a general duty to maintain wife and children. The wife's entitlement to know the salary particulars of her husband gets further fortified by all the above legal provisions.

- e) Especially when the wife is seeking the salary particulars of the Husband, from the public authority where he is working as public servant, it is the duty of the public authority to render required assistance by providing necessary information to her to secure justice. Denial of such information to wife is thus, highly unreasonable, not justified and it will also amount to breach of legal obligation.
 - f) The maintenance of spouse and children of the family is the legal responsibility of the earning member of the family. Depending upon the situation a husband if dependent or incapable of earning might seek similar information about the salary of the wife, if she is an employee of the public authority.
 - g) In most of the cases, the denial of information about salary might amount to denial of justice with mala fide intentions either to harass the spouse or delay the process of justice or to avoid payment of money necessary for maintenance through giving wrong information or denying correct information to the court of law. The public authority or its PIO or AA, cannot, inadvertently be a party to this mala fide denial of justice to the spouse.
 - h) In addition to above, under Section 20, Right to Information Act 2005, such a denial of information will be wrongful denial which could incur the penalty.
8. In view of the above, Commission directs the PIO to supply the salary slip as sought by the Appellant within one week of receipt of this order.

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(Tarun Kumar)
Additional Registrar

CENTRAL INFORMATION COMMISSION
ROOM NO. 329, SECOND FLOOR, C-WING
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066
Tel. No. 91-11-26717356

F.No. CIC/SM/A/2013/000755-YA

Date of Hearing : 03.07.2014
Date of Decision : 07.07.2014

Appellant : Shri O.P. Sharma,
C/o 99 APO

Respondent : Shri K. Krishnaswamy, Director
Shri S.K. Geeva, Under Secretary
Min. of Road Transport
Highways, Transport Bhawan
Smt Pratibha, US/CPIO
Dept. of Admn. Reforms
Shri D.K. Sengupta, US
Shri R.K. Giridhar, US
DoPT
Shri A. Chattopadhyay,
Dir./DGBR
Shri D.K. Kashyap,
Sr. AO/CPIO/DGBR
Shri Rampal Singh, US/CPIO
Shri Ritesh Kavdia, Dir./FAA
BRDB Sectt., M/o Defence
New Delhi.

Information Commissioner : Shri Yashovardhan Azad

Relevant fact emerging from appeal:

RTI Application filed on : 19.01.2013
PIO replied on : 18.02.2013 & 10.03.2013

First Appeal filed on : 30.03.2013
First Appellate Authority (FAA) order on : No Order
Second Appeal received on : 03.05.2013

Decision

126
88

The appellant had sought information on action taken on his 20 complaints filed by him between 29th August – 22nd December, 2012.

The CPIO, M/o Personnel, P.G. & Pension, in his reply stated that they have received only five of his applications which have been duly transferred to the concerned depts. for providing information to the appellant. The appellant filed first appeal in BRDB. The FAA did not dispose of the appeal.

The appellant is not present, despite written notice. The respondent from the DoPT stated that the RTI was replied to in time and duly transferred to the concerned Depts. for providing information to the appellant, and has acted as per the RTI act. The respondent, DGBR, at the very outset, highlighted that the appellant has been a habitual petitioner, filing frivolous letters/applications on perceived grievances. He also stated that the applicant himself is facing prosecution on charges of obtaining loan by forging signature of his Officer Commanding.

The respondent, DGBR has made an index of application/appeals/complaints submitted by the appellant. The same is reproduced below.

S.NO	AUTHORITY TO WHOM APPLICATION/APEAL/ COMPLAINT FILED	YEAR				TOTAL
		2011	2012	2013	2014	
1.	HQ DGBR/Cabinet Sectt./ President Sectt., BRDB Sectt./ CIC, etc.	21	17	17	15	70
2.	HQ CE (Project) Arunak	15	5	4	4	20
3.	GREF Centre/Records/ PAO (GREF), etc.	8	3	4	1	16
4.	HQ CE (Project) Chetak	4	5	0	0	9
	G/Total	48	30	25	21	124

The respondent also stated that he has filed 191 representations in their office. The respondent stated that most of his letters have been replied to, however, the same have returned as "refused" from the postal dept. He pleaded that the respondent public authority, along with others, is being forced by the appellant to expend their valuable

time and energy in replying to his multiple petitions at considerable cost. In the absence of the appellant, his views could not be ascertained.

The Commission finds that the respondents have responded to the queries of the appellant despite a spate of applications from him. The RTI Act cannot be permitted to be used as a tool for blackmailing or harassing a public authority and in the instant case, 5 public authorities. It is clear from his application that he is a habitual petitioner seeking information on service matters and a number of such petitions have already been adjudicated by the Commission and some dismissed on the same ground. The Commission does not find any merit in this appeal and the same is dismissed.

(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.

(Tarun Kumar)
Joint Secretary & Additional Registrar

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CENTRAL INFORMATION COMMISSION
ROOM NO. 329, SECOND FLOOR, C-WING
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066
Tel. No. 91-11-26717356

F.No.CIC/SS/C/2013/000452-YA
F.No.CIC/YA/C/2013/000001

Date of Hearing	:	01.08.2014
Date of Decision	:	01.08.2014
Complainant	:	Shri Om Prakash Sharma Delhi
Respondent	:	Shri A. Chattopadhyaya, Director (Admn.)/CPIO/DGBR Seema Sadak Bhawan, Delhi Shri Rampal Singh, US/CPIO/ BRDB Border Roads Organization, Delhi
Information Commissioner	:	Shri Yashovardhan Azad
Relevant fact emerging from appeal:		
RTI Applications filed on	:	20.06.2013 & 27.08.2013
PIO replied on	:	12.07.2013 & 01.10.2013
First Appeals filed on	:	29.07.2013 & 05.10.2013
First Appellate Authority (FAA) orders on	:	No order
Complainant received on	:	19.09.2013 & 11.11.2013

Decision

The complainant had sought information on action taken on his 2 complaints filed by him 05.12.2012 & 23.07.2013.

The CPIO/DGBR in his reply stated that the said representation dt. 05.12.2012 has not been received in the office and the representation dt. 23.07.2013 is under progress for submission of parawise comments to higher authority. The FAA did not dispose of the appeal.

The complainant is not present, despite written notice. The respondent, DGBR, at the very outset, highlighted that the complainant has been a habitual petitioner, filing frivolous letters/applications on perceived grievances. He also stated that the

complainant himself is facing prosecution on charges of obtaining loan by forging signature of his Officer Commanding.

After hearing the parties and on perusal of record, the Commission finds no mala fide on the part of CPIO; the replies to both the RTI applications have been given in time, despite a spate of applications from him. The RTI Act cannot be permitted to be used as a tool for blackmailing or harassing a public authority. It is clear from his applications that he is a habitual petitioner seeking information on service matters and a number of such petitions have already been adjudicated by the Commission and some dismissed on the same ground. The Commission does not find any merit in these complaints and the same are dismissed.

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.



(Tarun Kumar)
Joint Secretary & Additional Registrar

Copy to:

Central Public Information Officer,
Joint Director - (Admn.),
Offg JD/T&C & CPIO,
Seema Sadak Bhawan,
Ring Road, Delhi Cantt,
New Delhi 110010.

Central Public Information Officer,
DDG- (D & S),
HQ DGBR/ADG Sectt
Seema Sadak Bhawan,
Ring Road, Delhi Cantt,
New Delhi 110010.

Shri Om Prakash Sharma
JE - (Civil),
1521, RMPL/95 RCC (GREF),
C/o. 56 APO, PIN : 930095.

First Appellate Authority
Chief Engineer - (Civil),
HQ DGBR/Pers Dte
Seema Sadak Bhawan,
Ring Road, Delhi Cantt,
New Delhi 110010.

Central Public Information Officer
Under Secretary,
Secretariat BRDB (GE-I),
Sena Bhawan,
New Delhi 110011.

INDIX OF RTI POLICY LETTERS

S/NO	POLICY LETTER NO & DATE	SUBJECT	PAGE	
			FROM	TO
1.	HQ DGBR letter No. 11022/ DGBR/ POL/ 44/ RTI Cell dated 20 Mar 2012 together with CIC order on case No. CIC/SS/A/2011/001705 dated 15-02-2012	Forwarding of CIC decision on RTI matters	01	03
2.	HQ DGBR letter No. 11022/ DGBR/ POL/46/RTI Cell dated 19-06-2012	Appointment of PIO at Project level	04	
3.	HQ DGBR letter No. 11022/ DGBR/ Policy/87/RTI Cell dated 26-03-2014 together with IHQ of MoD (Army) letter No. B/50001/Policy/MIS(Civ) dated 04-03-2014	Unauthorise use of Govt machinery for seeking information under Right to Information Act	05	06
4.	HQ DGBR letter No. 11022 DGBR/ P/ 91/RTI Cell dated 04-08-2014	Misuse of RTI tools for harassing Public Authority	07	
5.	Letter No. 11022/DGBR/P/101/RTI Cell dated 23-04-2015	Implementation of suo-moto disclosure under Sec-4 of RTI Act and guidelines thereof	08	09

Delhi Tele: 011-25687065
Email: bro-pers@nic.in
Website: <http://www.bro.gov.in>

Registered Post
Headquarters
Dte General Border Roads
Seema Sadak Bhawan
Ring Road, Delhi Cantt
New Delhi-110 010

11022/DGBR/POL/ 44 /RTI Cell

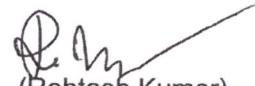
20 Mar 2012


All Projects /EBW
GREF Centre / Record

SEEKING INFORMATION UNDER RIGHT TO INFORMATION (RTI)
ACT 2005

1. A copy of Central Information Commission New Delhi Order on Case No. CIC/SS/A/2011/001705 dt 15/02/2012 in the matter titled Shri M Nelson Babu Vs BRO is enclosed herewith for your record and necessary action.

2. In terms of Section - 24 read with schedule 2 of RTI Act, BRO which is subordinate and executive arm of BRDB is exempted for operation of RTI Act 2005 except the allegation of corruption and human right violation case. However the CIC in various cases had clarified that exempted department shall furnish the information on establishment/administration and general routine nature matters to the information seeker.


(Rohtash Kumar)
Jt Dir (Adm)
CPIO
Dte Gen Border Roads


Central Information Commission
Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,
Bhikaji Cama Place, New Delhi-110066
Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/A/2011/001705
Dated: 15.02.2012

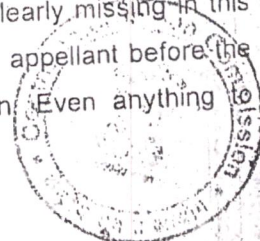
Name of Appellant	Shri M. Nelson Babu
Name of Respondent	Border Roads Development Board
Date of Hearing	09.02.2012

ORDER

The present appeal dated 10.8.2011 of the appellant Shri M. Nelson Babu emanates from his RTI application dated 9.1.2010 filed for seeking certain information from the respondent Border Roads Development Board, New Delhi under the RTI Act, 2005. The matter came up for hearing on 09.02.2012. The appellant was absent and the respondent were represented by Smt. Shashi Prabha, Deputy Secretary, Shri Rohtash Kumar, Joint Director & CPIO, Shri Tapas Das, Joint Director and Shri Rampal Singh, Under Secretary.

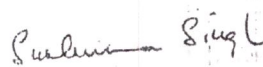
2. The Commission has considered the submissions made by the parties. The respondent is an exempted organization listed under Schedule II of the RTI Act and, therefore, is not amenable to any provision contained in the RTI Act by virtue of Section 24 of the RTI Act. Furthermore, the information sought by the appellant does not pertain to any violation of human rights and allegations of corruption and, therefore, does not fall under the Proviso (I) of Section 24 of the RTI Act.

3. It has to be appreciated that 'allegation of corruption' does not mean mere conjectures and surmises. Allegations ought to be supported by cogent and sound evidence which can lead the Commission to frame a prima facie view about corrupt or malpractices being involved in any given case. Such element is clearly missing in this second appeal as no evidence or material has been placed by the appellant before the Commission so as to establish prima facie case of corruption. Even anything




reasonably support the violation of human right is also absent in the appeal preferred by the appellant before the Commission.

4. The Commission is of the view that the information sought for by the appellant, cannot be provided under the RTI Act and, therefore, the present appeal stands dismissed.


(Sushma Singh)
Information Commissioner

Authenticated true copy:


(K.K. Sharma)
OSD & Deputy Registrar

Address of the parties:

Shri M. Nelson Babu,
Nelson Plaza,
Kunchen Nadar Compound,
Opp- PWD House, PWD Road,
Nagarcoil-629001.

The CPIO,
Directorate General of Border Roads,
Seema Sadak Bhawan,
Ring Road, Delhi Canll,
New Delhi-110010

The Appellate Authority,
Border Roads Development Board,
Sectt. BRDB, B Wing, 4th Floor,
Sena Bnawan, DHQ PO,
New Delhi-110011.

RTI MATTERS/MOST URGENT

Registered Post

Delhi Tele : 011-25686962
Email : bro-pers@nic.in
Website : <http://www.bro.gov.in>

Headquarters
Dte General Border Roads
Seema Sadak Bhawan
Ring Road, Delhi Cantt
New Delhi-110 010

11022/DGBR/POL/46/RTI Cell

19 Jun 2012

(All Projects, GREF Rec/Centre & EBW)

APPOINTMENT OF PUBLIC INFORMATION OFFICER UNDER RIGHT TO INFORMATION
(RTI) ACT 2005

Reference this Dte letter No. 11022/DGBR/POL/39/RTI Cell dated 14 Nov 2011.

2. It was clarified under our above stated letter that Public Information Officer (PIO) and Appellate Authority (AA) shall be appointed at Project level. It was also instructed that PIO should be an officer having the rank of field Officer and above similarly Senior Officer in rank to PIO may be appointed as Appellate Authority. However on perusal of details and correspondence, it has been found that junior officer having rank of Capt etc have been appointed as PIO. It revealed that Project/GREF Records/Centre are not adhering the instructions in this regard issued by this HQ.
3. It is once again clarified that in order to avoid any complication at later stage, it is instructed that all the information will be furnished by the PIO of Project HQ, GREF Records/Centre and no information should be furnished by junior officer of TF/unit. The PIO if required may call the requisite information from TF/unit or other officer /source.
4. For GREF Records only: - Wrt their Fax No R-4040/RTI dated 29 May 2012 with a request to re-appoint PIO and AA in terms of this Dte letter quoted at reference.

(Rohtash Kumar)

Jt Dir (Admn)

CPIO

Dte Gen Border Roads

Delhi Tele : 011-25686962
Email : bro.pers@nic.in
Website : <http://www.bro.gov.in>

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Dte General Border Roads
Seema Sadak Bhawan
Ring Road, Delhi Cantt
New Delhi-110 010

11022/DGBR/Policy/ *87* /RTI Cell

26 Mar 2014

(All Projects)
C/O 56/99 APO

HQ Research & Development Estt (BRO)
PIN-931723 C/O 99 APO

Eastern Base Workshop(GREF)
PIN-931701
C/O 99 APO

GREF Centre/Records
Dighi Camp, Pune-15

RIGHT TO INFORMATION (RTI) ACT 2005: UNAUTHORISED
USE OF GOVT MACHINERY

Kashmir

A copy of IHO of MOD (Army), Dte of Coord & Pers/MIS (Civ) Engineer-in-Chief's Branch
House, New Delhi-11 letter No.B/50001/Policy/MIS (Civ) dated 04 Mar 2014, regarding
unauthorized use of Govt machinery (ie Govt postal stamps, OIGS, Service Labels and
stationery etc) to obtain information under RTI Act, is enclosed herewith for your information
and strict compliance please.

2. Kindly disseminate the contents up to platoon level for information and strict compliance.

Encls: 01 sheet

Copy to : _

All Dte(s)

Rohtash Kumar
(Rohtash Kumar)
Jt Dir (Adm)
CPIO
Dte Gen Border Roads

26/03
for info and strict compliance please.

Tele : 23016657

REGD POST/SDS
IHQ of MOD (Army)
Dte of Coord & Pers/MIS(Civ)
Engineer-in-Chief's Branch
Room No 127
Kashmir House, Rajaji Marg
New Delhi-110 011

B/50001/Policy/MIS(Civ)


OA Mar 2014

Chief Engineers :-

HQ Southern Command
HQ Eastern Command
HQ Western Command
HQ Northern Command
HQ Central Command
HQ South Western Command

RIGHT TO INFORMATION (RTI) ACT - 2005 :
UNAUTHORISED USE OF GOVT MACHINERY

1. RTI Act-2005 sets out the practical regime for RTI for citizens to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority.
2. This Act gives right to information only to citizens and does not have provisions for giving information to Corporations, Associations, Companies etc which are legal entities/person(s), but not citizens. Hence, the information sought by citizens under RTI is in a personal capacity and not official capacity.
3. As a corollary to above, the mechanism used to obtain the information by a citizen is exclusively personal in nature for which the exchequer is not required to be burdened.
4. In spite of above, it has been observed with concern that citizens are using Govt machinery (ie Govt Postal Stamps, OIGS, Service Labels and stationery etc) to obtain information under RTI Act. This practice not only causes loss to the state but also defeats the very preamble of the RTI Act-2005.
5. In view of the above, it is requested that suitable instructions be issued to lower fmns/units to sensitise the environment on the issue. In case any such application is received under RTI Act, the concerned individual will be asked to make good loss caused to the state.


(R N Jadhav)
Col
Dir MIS (Civ)
For E-in-C

Copy to :-

HQ DGBR, New Delhi Cantt-10 / CME, Pune - 411 031 /
Dir (CW & E), R&D Org, 'A' Wing, DRDO Bhawan, New Delhi / ADG D&C Pune /
ADG (OF & DRDO) Secunderabad / HQ CEs R&D Secunderabad & Delhi /
DGNP Mumbai & Vishakhapatnam

Internal

E-in-C's Sectt / All Dtes

Email : bro-pers@.nic.in
Website : <http://www.bro.gov.in>

Registered /SDS
Headquarters
Dte General Border Roads
Seema Sadak Bhawan
Ring Road, Delhi Cantt
New Delhi-110 010

04 Aug 2014

1022/DGBR/P/ 91 /RTI Cell

HQ CE (P) _____
IN 9317 __, C/O 56/99 APO

Eastern Base Workshop (GREF)
PIN 9317 __, C/O 99 APO

GREF Records/Centre
Digh Camp, Pune-15

**SEEKING OF INFORMATION UNDER RIGHT TO
INFORMATION (RTI) ACT 2005**

1. Right to Information Act 2005 was enacted to bring transparency in the Government functions and for the betterment of democracy. It is an excellent piece of law giving common man an opportunity to know the acts of the various Depts of the Govt.

2. However, it is seen that some of our employees are misusing this excellent enactment for harassing the Government authority to sub-serve only personal aggrandizement. Such irresponsible action by some GREF employees are denigrating the dignity of this Organization not only before the CIC (Central Information Commissioner) but also before many other organizations like DoP&T, Min of Defence, Min of Road Transport & Highways and BRDB who are also dragged and have to attend such hearing before the CIC arising out of some frivolous accusations made by some irresponsible GREF employees.

3. A excerpt from CIC's order issued in one of such recent order is quoted below:-

"The Commission finds that the respondents have responded to the queries of the appellant despite a spate of applications from him. The RTI Act cannot be permitted to be used as a tool for blackmailing or harassing a public authority and in the instant case, 5 Public Authorities." (In this case the applicant dragged HQ DGBR, Sectt BRDB, MORTH, DoP&T and MoD).

4. Please enlighten all employees under your command through GREF Sammelans that although there is no bar on raising question under RTI Act but its provisions should be used responsibly. *in a responsible manner*

5. This has the approval of DDG (Pers).

(A Chattopadhyay)

Dir (Admin)

For Dir Gen Border Roads

**Internal
Copy to:-**

All Dtes of HQ DGBR

- For info of all concerned employees of this HQ.

TO BE HANDED OVER ON RELIEF

Delhi Tele: 011-25696962
Email: bro-pers@nic.in
Website: <http://www.bro.gov.in>

Registered /SDS
Headquarters
Dte General Border Roads
Seema Sadak Bhawan
Ring Road, Delhi Cantt
New Delhi-110 010

11022/DGBR/P/ 101/RTI Cell

23 Apr 2015

HQ CE (P) _____
PIN 9317 __, C/O 56/99 APO

Eastern Base Workshop (GREF)
PIN – 931701, C/O 99 APO

GREF Records/Centre
Dighi Camp, Pune-15

Office of OSD (BRO)
BRO Complex, Jhalukbari, Guwahati-781014

Research & Development Estt (BRO)
PIN-931723
C/O 99 APO

IMPLEMENTATION OF SUO-MOTO DISCLOSURE UNDER SECTION-4 OF RIGHT TO INFORMATION (RTI) ACT 2005 AND GUIDELINES THEREOF

1. A copy of Govt of India, Ministry of Personnel, Public Grievances & Pensions (Deptt of Personnel & Training) New Delhi OM No. 1/6/2011-IR dated 15 Apr 2013, copy received under Sectt BRDB letter No. BRDB/04/738/2008/Works dated 14 Jan 2015, is forwarded herewith for your information, perusal and compliance as per Section 4 of RTI Act 2005.

2. The competent authority has directed to upload the following suo-moto information in our website in compliance of DoP&T guidelines:-

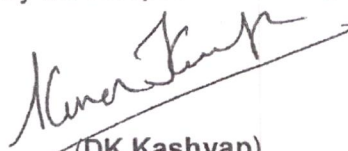
S/No	Particulars of information to be uploaded in public domain (deptt website)	Action to be taken by
(a)	Information related to procurement (Refer Para 1.1 of Guidelines)	All Dte/ Projects involved in procurement to strictly comply with the DoP&T instructions as per their OM dated 15 Apr 2013. Also refer this HQ letter No. 24661/ POL/ / E-Proc / DGBR / 28 / EDP dated 05 Mar 2015.
(b)	Posting Policy & Posting orders (Refer Para 1.3 of Guidelines)	The requisite information is already uploaded on BRO website by Dte/E1A and GREF Records in respect of GREF Officers & subordinates respectively. Same should be updated, on occurrence.
(c)	RTI applications, Appeals & their responses (Refer Para 1.4 of Guidelines)	The special feature of "search function" of RTI applications, appeals and their responses will be incorporated by Dte/EDP in website.
(d)	Publication of CAG & PAC Paras and Action Taken Reports (ATRs) which have been laid down on the table of both Houses of Parliament	These issues will be uploaded when applicable.

-: 2:-

HQ DGBR letter No.11022/DGBR/P/101/RTI Cell 23 Apr 2015 contd...

3. The competent authority has also directed that balance issues as instructed by MoD (Border Roads) will be added/uploaded, as and when applicable.

4. In view of the above, Projects/Establishments are requested to implement the DoP&T guidelines related to above issues as approved by the competent authority.



(DK Kashyap)
Sr Adm Officer
CPIO
For Dir Gen Border Roads

Encls: Sheets.

Internal

Copy to:-

ADGBR Sectt

OSD Sectt

Dte/EDP Cell

Dte/TA

DGBR/E1A
DGBR/EG2
DGBR/E2 (Audit)

All Dtes

} For info please.

- Alongwith a copy of DoP&T above OM for information, perusal and compliance please.

- Alongwith a copy of DoP&T above OM for information, perusal and compliance please. Also refer Dte/EDP letter No. 24661/ POL / E-Proc / DGBR / 28 / EDP dated 05 Mar 2015

} Alongwith a copy of DoP&T above OM for perusal and strict compliance.

- Alongwith a copy of DoP&T above OM for perusal, information and record of all sections of your Dte, as applicable.