Property details of IAS, KAS officers privacy invasion?

SIC To Decide On RTI Application As GAD Denies Information

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Srinagar, Mar 15: Do the property details of the Indian Administrative Service (IAS) and Kashmir Administrative Service (KAS) officers fall under the purview of ‘personal information’ or ‘invasion of privacy’? That is the question the State Information Commission (SIC) is likely to discuss in the wake of the General Administration Department’s refusal to divulge the information sought under the Right to Information Act.

‘CONFIDENTIAL INFORMATION’:

In response to an RTI application seeking details of the annual property statements of the IAS and KAS officers in Jammu and Kashmir, the GAD has cited that this information cannot be provided as the same is expected under section 8 (f) and (i) of the Right to Information Act, 2009.

“Section 8 (i) of the RTI Act, 2009, inter alia provides that the information which relates to the personal information, disclosure of which would have no relationship to any public activity or interest or which would cause unwarranted invasion of privacy of the individual cannot be disclosed unless the Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information,” the GAD order, issued on February 10, 2011, reads. “The information being sought by the appellant about the property statements of IAS/KAS officers of the J&K State being confidential, the disclosure of which would cause unwarranted invasion of the privacy of the individuals, besides, the supply of the information to the appellant shall not serve larger public interest and has no relationship to any public activity.”

Therefore, the order mentions, the appeal filed by the appellant is disallowed as being without any merit. The GAD order comes in response to an appeal filed by Dr Raja Muzaffar Bhat,

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convener of the J&K RTI Movement, before the GAD's statement, the election officer denied the information citing RTI provisions.

Bhat had filed the application with the PIO on 4 April 2010. The PIO replied after two months on 23 June, which he found unacceptable.

Apart from the annual property statements, Bhat had also sought information as to how many of the IAS and KS officers had been submitting such statements in the last five years. In reply, the GAD, according to documents available with Greater Kashmir, has only submitted "list of IAS/KS officers who have submitted their annual property statements and has also denied the rest of the information citing the RTI provisions."

COUNTER-POINT:

In his arguments, Bhat mentions that section 8(0) of the RTI Act 2009 says that the information which would endanger the life or physical safety of a person cannot be provided. "But how can mere providing of information regarding annual property statements or assets of IAS or KS officers be considered as a threat to their lives or property?" he questions. Moreover, section 8(3) relates to personal information and which would cause unwarranted invasion of the privacy of the individual. But an IAS or KS officer is a public servant and people who are the tax payers have full right to know about the assets of the government officers as the tax payers money is being utilized in the process of provision of services before the elections."

JUDGES DECLARE ASSETS

The issue is also raising a discussion in the backdrop of the recent judgment of the judges of the Jammu and Kashmir High Court recently.

In September 2010, the judges declared their assets for the first time in response to an RTI application. On April 14, 2010, when Bhat filed the application, the Judges, on May 29, a full court meeting was convened and on July 23 a resolution to declare the assets adopted."

SIC TO DECIDE

SIC has decided to file a second appeal before the State Information Commission to let it decide the fate of the application. "I am aware with the second appeal which I filed before SIC," Bhat told Greater Kashmir.

EXPERTS SPEAK

According to RTI activists, it is a prickly issue.

"While many citizens would like IAS, IPS and state servants to declare their assets, there are many who believe that they are not required to do so. In the past, many of these officials have felt that they were being unnecessarily targeted and that the government was trying to undermine their integrity."

Kashmiri adds that the assets-related information is particularly important. "But does a public servant have the same degree of protection for such information as a private citizen? The Delhi High Court had ruled in 2003 and 2005 (ADR v Union of India and Prakash v Union of India respectively) that there is no absolute protection for public servants who are elected by the people, the resistance to similar disclosure from the career bureaucrats becomes less and less justifiable. If assets disclosure is made compulsory, it will be difficult for a government to afford untraceable funds."

Elaborating, he said: "Several states have made this requirement compulsory for panchayati and municipal corporation election candidates. It's true that the same applies for members of legislatures and Parliament. But these are public servants who are elected by the people, the resistance to similar disclosure from the career bureaucrats becomes less and less justifiable. If assets disclosure is made compulsory, it will be difficult for a government to afford untraceable funds."

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