Delhi Tele: 011-25687065
Email: bro-pers@.nic.in

Website: http://www.bro.gov.in

11022/DGBR/POL/ AA /RTI Cell

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

20 Mar 2012

All Projects /EBW GREF Centre / Record

### SEEKING INFORMATION UNDER RIGHT TO INFORMATION (RTI) <u>ACT 2005</u>

- 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 10.8.201/r 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.

- 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.
  - 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 3. 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 appollant before the Commission.

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 Cantl, New Delhi-110010

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

#### RTI MATTERS/MOST URGENT

Registered Post

Selhi Tele: 011-25686962 Email: bro-pers@.nic.in

Vvebsite: http://www.bro.gov.in

11022/DGBR/POL/ 46/RTI Cell

(All Projects, GREF Rec/Centre & EBW)

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

1 9 Jun 2019

## 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 Epiail : bio pers@nic.in

bsite: http://www.bro.gov.in

2000

11022/DGBR/Policy/ 87 /RTI

Registered Post

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

26 Mar 2014

(All Projects) C/O 56/99 APO

HQ Research & Development Estt (BRO) PIN-931723 Clo 99 APG

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

A copy of IHO of MOD (Army), Dte of Coord & Pers/MIS (Civ) Engineer-in-Chief's Branch Katherir 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.

(Rohtash Kumar) Jt Dir (Adm)

CPIO

Dte Gen Border Roads

26/03

for info and strict compliance please.

Encls: 01 sheet

Copy to :\_

All Dte(s)

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

⊙A Mar 2014

B/50001/Policy/MIS(Civ)

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/ Q\ /RTI Cell

1Q CE (P) \_\_\_\_\_\_, C/O 56/99 APO

Eastern Base Workshop (GREF) PIN 931771, C/O 99 APO

GREF Records/Centre Digb Camp, Pune-15

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

- 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 Deptts of the Govt.
- 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.
  - A excerpt from CIC's order issued in one of such recent order is quoted below:-3.
    - "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).
    - 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
    - This has the approval of DDG (Pers). 5.

(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: <u>bro-pers@.nic.in</u>

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	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.

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

#### <u>Internal</u>

#### Copy to:-

**ADGBR Sectt** 

For info please.

**OSD Sectt** 

Dte/EDP Cell

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

Dte/TA

 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

DGBR/E1A DGBR/EG2 DGBR/E2 (Audit) Alongwith a copy of DoP&T above OM for perusal and strict compliance.

All Dtes

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