

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

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FINAL ORDER

Ms. Divya Kaushik,
D/o Sh Bhupinder Kaushik,
H No-2002-C, Block No-17, Sector-63,
Chandigarh.

Versus

Public Information Officer
O/o Punjab State Council for Science & Technology,
Sector-26, Chandigarh.
First Appellate Authority,
Punjab State Council for Science & Technology,
Sector-26, Chandigarh.

Appeal Case No. 3355 of 2023

ORDER:

(To be read in continuity with earlier orders on 20.12.2023 and 3.4.2024)

1. The RTI application is dated **9.3.2023** vide which the appellant has sought information regarding:

“Copies of Agenda and Minutes of Personnel committee of PSCST held from 1st January 2017 to 31st December 2022.”

as enumerated in her RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **9.4.2023** and Second Appeal was filed in the Commission on **24.5.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **3.4.2024**.

2. An Order in this Appeal Case was reserved on 3.4.2024. At the earlier Hearing on 20.12.2023, the respondent PIO-cum-Principal Scientific Officer, Sh. Krishan Kant Singla, had made a written submission vide Letter No. PSCST/PIO/1206 Dated 15.12.2023, wherein he contended as under:

“... the agendas and minutes of the personnel committee meetings (sought in this RTI application) contained personal and professional information of PSCST employees, such as gist of ACR's, extensions, promotions, work conducts, complaints and disciplinary action taken by department, educational etc. The data received was compared as per the advice of Department of Governance Reforms and Public Grievances, Govt. of Punjab issued vide letter no 4/5/2021-4GR1/1/225467/2021 dated 09 August 2021 addressed to all State Government Departments, High Court and District Courts, which states that:

In the Civil Appeal No. 10044 of 2010 titled Central Public Information Officer Vs. Subhash Chandra Aggarwal, Supreme Court of India has ordered that personnel reports, including name, address, physical mental and physiological status, marks obtained, grades and answer sheets or all treated as personnel information. Similarly, professional records including qualification, performance, evaluation reports, ACR's disciplinary proceeding etc. or all personnel information. Medical record, treatment, choice of medicine list of hospital and doctors visited, findings recorded, including that of the family member, information relating to assets, liabilities, ITR's details of investment, lending and borrowing etc are personal information. Such personal information is entitled to protection from unwanted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicated and not exhaustive.

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Appeal Case No. 3355 of 2023

In view of contents of the information sought and directions of above said orders, the following online reply dated 06.04.2023 was sent by me to the applicant:-

Dear Madam, In reference to your online RTI application no. 55321 dated 9th March 2023 for providing Copies of Agenda/Minutes of Personnel Committee of PSCST held from 1st January 2017 to 31st December 2022, it is informed that the agenda and minutes of personnel committee contains personal and professional information of PSCST employees. As per directions of Department of Governance Reforms and Public Grievances, Govt. of Punjab given vide letter no 4/5/2021- 4GR1/1/225467/2021 dated 09 August, 2021, these complete documents cannot be provided. However, any specific information, which should not be personal/third party in nature can be sought.

Subsequent to the above, the appellant filed a First Appeal to the FAA on 9.4.2023, as under:

(i) Personnel committee Agenda and Minutes of any organisation does not fall under mentioned letter rather these needs to be published on Website for transparent functioning of the organisation as per the Act.

(ii) Such remarks of Public Information Officer on 30th day shows clear intent to delay access of Public Record, he could have replied in 2 to 3 days of filing of request.

(iii) Further, this data is required in public interest to file complaint or Public Interest Litigation against the irregularities as well as discrimination in recruitment process and favourable promotions, as reported in FD Audit Report dated 22.04.2015, attached herewith. In this report, selection of Public Information Officer is also in question. Therefore, he may be trying to restrict supply of the requested information. You are, therefore, requested to direct Public Information Officer to supply the copies of the Agenda and Minutes of Personnel Committee of Council for the requested time period at the earliest.

The FAA upheld the PIO's decision vide her Order dated 22.5.2023, which is as under:

After hearing both the parties, I am of the considered opinion that majority of the agendas & minutes of personnel committee meetings held from 1st Jan, 2017 to 31 Dec, 2022 sought by applicant contain personal and professional information of PSCST employees and as per letter no. 4/5/2021-4GR1/1/225467/2021 dated 09 August 2021 of Department of Governance Reforms and Public Grievances, GoP, being the Third Party Information, cannot be provided. The applicant may seek specific information from PIO. The appeal is hereby disposed off.

3. The appellant Ms. Divya Kaushik, had earlier cited the following judgments / decisions in support of her contention that the information requested in her RTI application cannot be denied as third party information:

1. Conclusion & Directions in Civil Appeal No. 10044 of 2010 titled CPIO Vs Subhash Cha Aggarwal regarding RTI Act, 2005, Supreme Court of India.
2. Judgment of Writ Petition 23695 of 2022 at High Court of Karnataka.
3. Nand Lal Meena Vs. Chief Commissioner of Income Tax at CIC in 2019

4. The Central Information Commission, in *Nand Lal Meena Vs. Chief Commissioner of Income Tax*, vide its Order dated 22.4.2019, held as follows:

Keeping in view the facts of the case and the submissions made by both the parties, and in the light of above referred judgments, no further intervention of the Commission is required in the matter. The Commission however directs the Respondent Public Authority to suo moto disclose all the details relating to minutes of DPC, the names under consideration and those approved in respect of Departmental Promotion Committee meetings held for Income Tax Officers, Income Tax Inspectors, Senior Tax Assistant, Administrative Officers, Stenographers Gr .-I, on their website in compliance with Section 4 (1) (b) of the RTI Act, 2005 for the benefit of all concerned redacting personal details of the concerned officials.

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5. The Hon'ble Supreme Court of India, Decision dated 13.11.2018, in Civil Appeal No. 10044 of 2010 titled Central Public Information Officer, Supreme Court of India Vs Subhash Chandra Aggarwal, observed as under:

"117. Civil Appeals Nos 10044 and 1045 of 2010 are remanded to the CPIO, Supreme Court of India to be examined and a determination arrived at, after applying the principles set out in the present judgment. The information sought in these appeals falls within the meaning of 'third party information' and the procedure under Section 11 must be complied with in arriving at a determination. Brother Justice Sanjiv Khanna has observed that:

"Transparency and openness in judicial appointments juxtaposed with confidentiality of deliberations remain one of the most delicate and complex areas. Clearly, the position is progressive as well as evolving as steps have been taken to make the selection and appointment process more transparent and open. Notably, there has been a change after concerns were expressed on disclosure of the names and the reasons for those who had not been approved. The position will keep forging new paths by taking into consideration the experiences of the past and the aspirations of the future"

I wish to add a few thoughts of my own on the subject. The collegium owes its birth to judicial interpretation. In significant respects, the collegium is a victim of its own birth - pangs. Bereft of information pertaining to both the criteria governing the selection and appointment of judges to the higher judiciary and the application of those criteria in individual cases, citizens have engaged the constitutional right to information, facilitated by the RTI Act.

If the content of the right and the enforcement of the statute are to possess a meaningful dimension in their application to the judiciary - as it must, certain steps are necessary. Foremost among them is that the basis for the selection and appointment of judges to the higher judiciary must be defined and placed in the public realm. This is not only in terms of the procedure which is followed in making appointments but also in terms of the substantive norms which are adopted while making judicial appointments. There can be no denying the fact that there is a vital element of public interest in knowing about the norms which are taken into consideration in selecting candidates for higher judicial office and making judicial appointments. Knowledge is a powerful instrument which secures consistency in application and generates the confidence that is essential to the sanctity of the process of judicial appointments. This is essentially because the collegium system postulates that proposals for appointment of judges are initiated by the judges themselves. Essential substantial norms in regard to judicial appointments include:

- (i) The basis on which performance of a member of the Bar is evaluated for the purpose of higher judicial office;*
- (ii) The criteria which are applied in determining whether a member of the Bar fulfils requirements in terms of:
 - a) Experience as reflected in the quantum and nature of the practice;*
 - b) Domain specialization in areas which are geared to the evolving nature of litigation and the requirements of each court;*
 - c) Income requirements, if any, having regard to the nature of the practice and the circumstances prevailing in the court or region concerned;*
 - d) The commitment demonstrated by a candidate under consideration to the development of the law in terms of written work, research and academic qualifications; and*
 - e) The social orientation of the candidate, defined in terms of the extent of pro bono or legal aid work;**
- iii) The need for promoting the role of the judiciary as an inclusive institution and its diversity in terms of gender, representation to minorities and the marginalised, orientation and other relevant factors.*

The present judgment does not seek to define what the standards for judicial appointments should be. However, what needs to be emphasised is that the substantive standards which are borne in mind must be formulated and placed in the public realm as a measure that would promote confidence in the appointments process. Due publicity to the norms which have been formulated and are applied would foster a degree of transparency and promote accountability in decision making at all levels within the judiciary and the government. The norms may also spell out the criteria followed for assessing the judges of the district judiciary for higher judicial office. There is a vital public interest in disclosing the basis on which those with judicial experience are evaluated for elevation to higher judicial office particularly having regard to merit, integrity and judicial performance. Placing the criteria followed in

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making judicial appointments in the public domain will fulfil the purpose and mandate of Section 4 of the RTI Act, engender public confidence in the process and provides a safeguard against extraneous considerations entering into the process."

6. The appellant, has also cited the Hon'ble High Court of Delhi Judgement in LPA No. 734 of 2018, titled "*Union of India versus Central Information Commission & Anr*", which concluded as follows:

"24. Consequently in the present case, non-supply of the information/documents is a human rights violation as in the absence of the same respondent No.2 would not be able to agitate her right to promotion.

INFORMATION PERTAINING TO PROPOSALS FOR PROMOTION OF THIRD PARTIES CANNOT BE PROVIDED TO THE RESPONDENT IN VIEW OF SECTION 11 OF THE RTI ACT.

25. However, this Court is of the view that information pertaining to proposals for promotion of third parties cannot be provided to the respondent in view of Sections 8(1)(j) and 11 of the RTI Act.

26. Consequently, this Court directs the Appellant to provide copies of all the seniority list in respect of LDCs for the period of 1991 till date as well as copies of the proposal for promotion of respondent (LDC) placed before the DPC together with copies of the Minutes of the Meetings and copy of the promotion/rejection order issued on the recommendations of DPC from time to time."

7. The Hon'ble High Court of Karnataka in Writ Petition No. 23695 of 2022 titled *A.S. Mallikarjunaswamy Vs 1. State Information Commissioner, Karnataka Information Commission 2. The Director, Department of Pre University Education, 3. The Joint Director, Department of Pre University Education, 4. The Deputy Director for Pre University Education, Mysuru District*, held as under:

"3. Having heard the petitioner-party-in-person and learned Advocates appearing for the Respondents, this court is inclined to grant indulgence in the matter inasmuch as there is no scope for invocation of Sec.8(1)(j) since petitioner is not a stranger to the Respondent- institution, but a Lecturer working therein since years; it NC: 2023:KHC:29928 hardly needs to be stated that for working out redressal for the grievances in service, an employee has to have full service particulars of other employees working under the same employer especially when dispute arises relating to confirmation, seniority, promotion or the like. The decision cited by the learned Panel Counsel in GIRISH RAMACHANDRA DESHPANDE supra had a different fact matrix and therefore the Apex Court held that personal information cannot be furnished.

4. It hardly needs to be stated that a decision is an authority for the proposition that has been laid down in a given fact matrix of a case and not for all that which logically follows from what has been laid down. Lord Halsbury more than a century ago, in the celebrated case of Quinn vs. Leathem (1901) A.C. 495, 506 has observed as under:

"Now before discussing the case of Allen v. Flood, (1898) A.C. 1 and what was decided therein, there are two observations of a general character which I wish to make, and one is to repeat what I have very often said before, that every judgment must be read as applicable to NC: 2023:KHC:29928 the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there are not intended to be expositions of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found. The other is that a case is only an authority for what it actually decides. I entirely deny that it can be quoted for a proposition that may seem to follow logically from it. Such a mode of reasoning assumes that the law is necessarily a logical Code, whereas every lawyer must acknowledge that the law is not always logical at all."

5. The petitioner, a party-in-person is justified in contending that unless the service particulars of the persons which he has sought for in the subject RTI application are furnished, he will not be in a position to work out his grievance in the subject service matter. This aspect has not animated the impugned order and therefore there is an error apparent on its face warranting indulgence of this court. He is more than justified in placing reliance on the Government Order dated 02.06.2011 which prescribes

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certain parameters for granting relaxation of service conditions relating to NC: 2023:KHC:29928 reservation. To avail benefit under the said Government Order, the information which the petitioner has sought for, becomes essential. Denying information virtually amounts denying opportunity to the petitioner to avail the benefit of said Government Order."

8. The appellant, in her Second Appeal to this Commission dated 24.5.2023, contends that the information sought by her by way of "copies of Agenda and Minutes of Personnel Committee of PSCST held from 1st January 2017 to 31st December 2022" is required to "unfold irregularities in the recruitment process and favorable promotions, as reported in FD Audit Report dated 22 April 2015." The appellant alleges that as per the cited audit report, the selection of the PIO as well as that of the FAA are "in question."

9. After reading the afore-cited judicial precedents, this Commission is of the view that the PIO's contention that the information sought by the appellant, includes personal information of PSCST employees, as well as, the FAA's conclusion that the information sought pertains to third parties, and therefore qualifies for exemption from disclosure as per Section 8(1)(j) and Section 11 of the RTI Act, are not sustainable.

10. The appellant has rightly pointed out that the respondent PIO failed to follow the procedure stipulated as per Section 11 of the RTI Act, to notify the stated third parties. Furthermore, the appellant's assertion that the information is required to expose irregularities in the recruitment and promotion process within the respondent public authority, attracts the exception contained within Clause j of Section 8(1) of the RTI Act, which reads as under:

information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

11. The very Preamble of the RTI Act, 2005 states that it is "An Act to provide for setting out the practical regime of right to information 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. ..." The disclosure of the information, sought by the appellant to expose irregularities or corrupt practices within the respondent public authority, is most certainly in the larger public interest.

12. Accordingly, the respondent PIO is hereby directed to provide the information sought in this RTI application, to the appellant Ms. Divya Kaushik by way of duly certified copies along with a covering letter detailing the information. This must be done within 15 days of receipt of this Order, under intimation to the Commission. Along with the aforesaid direction, this Appeal is **Disposed of.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.
Chandigarh
7.6.2024

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FINAL ORDER

Ms. Rupali Bal,

D/o Sh Varinder Kumar,
1324, Sector-34-C, Chandigarh.

Versus

Public Information Officer

O/o Punjab State Council for Science & Technology,
Sector-26, Chandigarh.

First Appellate Authority,

Punjab State Council for Science & Technology,
Sector-26, Chandigarh.

Appeal Case No. 3356 of 2023

ORDER:

(To be read in continuity with earlier orders on **20.12.2023** and **3.4.2024**)

1. The RTI application is dated **9.3.2023** vide which the appellant has sought information regarding:

“Copies of Personnel committee Agenda and Minutes of PSCST held from 1st January 2011 to 31st December 2016.”

as enumerated in her RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **8.4.2023** and Second Appeal was filed in the Commission on **24.5.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **3.4.2024**.

2. An Order in this Appeal Case was reserved on 3.4.2024. At the earlier Hearing on 20.12.2023, the respondent PIO-cum-Principal Scientific Officer, Sh. Krishan Kant Singla, had made a written submission vide Letter No. PSCST/PIO/1207 Dated 15.12.2023, wherein he contended as under:

“... the agendas and minutes of the personnel committee meetings (sought in this RTI application) contained personal and professional information of PSCST employees, such as gist of ACR's, extensions, promotions, work conducts, complaints and disciplinary action taken by department, educational etc. The data received was compared as per the advice of Department of Governance Reforms and Public Grievances, Govt. of Punjab issued vide letter no 4/5/2021-4GR1/1/225467/2021 dated 09 August 2021 addressed to all State Government Departments, High Court and District Courts, which states that:

In the Civil Appeal No. 10044 of 2010 titled Central Public Information Officer Vs. Subhash Chandra Aggarwal, Supreme Court of India has ordered that personnel reports, including name, address, physical mental and physiological status, marks obtained, grades and answer sheets or all treated as personnel information. Similarly, professional records including qualification, performance, evaluation reports, ACR's disciplinary proceeding etc. or all personnel information. Medical record, treatment, choice of medicine list of hospital and doctors visited, findings recorded, including that of the family member, information relating to assets, liabilities, ITR's details of investment, lending and borrowing etc are personal information. Such personal information is entitled to protection from unwanted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicated and not exhaustive.

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Appeal Case No. 3356 of 2023

In view of contents of the information sought and directions of above said orders, the following online reply dated 06.04.2023 was sent by me to the applicant:-

Dear Madam, In reference to your online RTI application no. 55321 dated 9th March 2023 for providing Copies of Agenda/Minutes of Personnel Committee of PSCST held from 1st January 2017 to 31st December 2022, it is informed that the agenda and minutes of personnel committee contains personal and professional information of PSCST employees. As per directions of Department of Governance Reforms and Public Grievances, Govt. of Punjab given vide letter no 4/5/2021- 4GR1/1/225467/2021 dated 09 August, 2021, these complete documents cannot be provided. However, any specific information, which should not be personal/third party in nature can be sought.

Subsequent to the above, the appellant filed a First Appeal to the FAA on 8.4.2023, as under:

(i) Personnel committee Agenda and Minutes of any organisation does not fall under mentioned letter rather these needs to be published on Website for transparent functioning of the organisation as per the Act.

(ii) Such remarks of Public Information Officer on 30th day shows clear intent to delay access of Public Record, he could have replied in 2 to 3 days of filing of request.

(iii) Further, this data is required in public interest to file complaint or Public Interest Litigation against the irregularities as well as discrimination in recruitment process and favourable promotions, as reported in FD Audit Report dated 22.04.2015, attached herewith. In this report, selection of Public Information Officer is also in question. Therefore, he may be trying to restrict supply of the requested information. You are, therefore, requested to direct Public Information Officer to supply the copies of the Agenda and Minutes of Personnel Committee of Council for the requested time period at the earliest.

The FAA upheld the PIO's decision vide her Order dated 22.5.2023, which is as under:

After hearing both the parties, I am of the considered opinion that majority of the agendas & minutes of personnel committee meetings held from 1st Jan, 2017 to 31 Dec, 2022 sought by applicant contain personal and professional information of PSCST employees and as per letter no. 4/5/2021-4GR1/1/225467/2021 dated 09 August 2021 of Department of Governance Reforms and Public Grievances, GoP, being the Third Party Information, cannot be provided. The applicant may seek specific information from PIO. The appeal is hereby disposed off.

3. The appellant Ms. Rupali Bal, had earlier cited the following judgments / decisions in support of her contention that the information requested in her RTI application cannot be denied as third party information:

1. Conclusion & Directions in Civil Appeal No. 10044 of 2010 titled CPIO Vs Subhash Cha Aggarwal regarding RTI Act, 2005, Supreme Court of India.
2. Judgment of Writ Petition 23695 of 2022 at High Court of Karnataka.
3. Nand Lal Meena Vs. Chief Commissioner of Income Tax at CIC in 2019

4. The Central Information Commission, in *Nand Lal Meena Vs. Chief Commissioner of Income Tax*, vide its Order dated 22.4.2019, held as follows:

Keeping in view the facts of the case and the submissions made by both the parties, and in the light of above referred judgments, no further intervention of the Commission is required in the matter. The Commission however directs the Respondent Public Authority to suo moto disclose all the details relating to minutes of DPC, the names under consideration and those approved in respect of Departmental Promotion Committee meetings held for Income Tax Officers, Income Tax Inspectors, Senior Tax Assistant, Administrative Officers, Stenographers Gr .-I, on their website in compliance with Section 4 (1) (b) of the RTI Act, 2005 for the benefit of all concerned redacting personal details of the concerned officials.

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Appeal Case No. 3356 of 2023

5. The Hon'ble Supreme Court of India, Decision dated 13.11.2018, in Civil Appeal No. 10044 of 2010 titled Central Public Information Officer, Supreme Court of India Vs Subhash Chandra Aggarwal, observed as under:

"117. Civil Appeals Nos 10044 and 1045 of 2010 are remanded to the CPIO, Supreme Court of India to be examined and a determination arrived at, after applying the principles set out in the present judgment. The information sought in these appeals falls within the meaning of 'third party information' and the procedure under Section 11 must be complied with in arriving at a determination. Brother Justice Sanjiv Khanna has observed that:

"Transparency and openness in judicial appointments juxtaposed with confidentiality of deliberations remain one of the most delicate and complex areas. Clearly, the position is progressive as well as evolving as steps have been taken to make the selection and appointment process more transparent and open. Notably, there has been a change after concerns were expressed on disclosure of the names and the reasons for those who had not been approved. The position will keep forging new paths by taking into consideration the experiences of the past and the aspirations of the future"

I wish to add a few thoughts of my own on the subject. The collegium owes its birth to judicial interpretation. In significant respects, the collegium is a victim of its own birth - pangs. Bereft of information pertaining to both the criteria governing the selection and appointment of judges to the higher judiciary and the application of those criteria in individual cases, citizens have engaged the constitutional right to information, facilitated by the RTI Act.

If the content of the right and the enforcement of the statute are to possess a meaningful dimension in their application to the judiciary - as it must, certain steps are necessary. Foremost among them is that the basis for the selection and appointment of judges to the higher judiciary must be defined and placed in the public realm. This is not only in terms of the procedure which is followed in making appointments but also in terms of the substantive norms which are adopted while making judicial appointments. There can be no denying the fact that there is a vital element of public interest in knowing about the norms which are taken into consideration in selecting candidates for higher judicial office and making judicial appointments. Knowledge is a powerful instrument which secures consistency in application and generates the confidence that is essential to the sanctity of the process of judicial appointments. This is essentially because the collegium system postulates that proposals for appointment of judges are initiated by the judges themselves. Essential substantial norms in regard to judicial appointments include:

- (i) The basis on which performance of a member of the Bar is evaluated for the purpose of higher judicial office;*
- (ii) The criteria which are applied in determining whether a member of the Bar fulfils requirements in terms of:
 - a) Experience as reflected in the quantum and nature of the practice;*
 - b) Domain specialization in areas which are geared to the evolving nature of litigation and the requirements of each court;*
 - c) Income requirements, if any, having regard to the nature of the practice and the circumstances prevailing in the court or region concerned;*
 - d) The commitment demonstrated by a candidate under consideration to the development of the law in terms of written work, research and academic qualifications; and*
 - e) The social orientation of the candidate, defined in terms of the extent of pro bono or legal aid work;**
- iii) The need for promoting the role of the judiciary as an inclusive institution and its diversity in terms of gender, representation to minorities and the marginalised, orientation and other relevant factors.*

The present judgment does not seek to define what the standards for judicial appointments should be. However, what needs to be emphasised is that the substantive standards which are borne in mind must be formulated and placed in the public realm as a measure that would promote confidence in the appointments process. Due publicity to the norms which have been formulated and are applied would foster a degree of transparency and promote accountability in decision making at all levels within the judiciary and the government. The norms may also spell out the criteria followed for assessing the judges of the district judiciary for higher judicial office. There is a vital public interest in disclosing the basis on which those with judicial experience are evaluated for elevation to higher judicial office particularly having regard to merit, integrity and judicial performance. Placing the criteria followed in

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making judicial appointments in the public domain will fulfil the purpose and mandate of Section 4 of the RTI Act, engender public confidence in the process and provides a safeguard against extraneous considerations entering into the process."

6. The appellant, has also cited the Hon'ble High Court of Delhi Judgment in LPA No. 734 of 2018, titled "*Union of India versus Central Information Commission & Anr*", which concluded as follows:

"24. Consequently in the present case, non-supply of the information/documents is a human rights violation as in the absence of the same respondent No.2 would not be able to agitate her right to promotion.

INFORMATION PERTAINING TO PROPOSALS FOR PROMOTION OF THIRD PARTIES CANNOT BE PROVIDED TO THE RESPONDENT IN VIEW OF SECTION 11 OF THE RTI ACT.

25. However, this Court is of the view that information pertaining to proposals for promotion of third parties cannot be provided to the respondent in view of Sections 8(1)(j) and 11 of the RTI Act.

26. Consequently, this Court directs the Appellant to provide copies of all the seniority list in respect of LDCs for the period of 1991 till date as well as copies of the proposal for promotion of respondent (LDC) placed before the DPC together with copies of the Minutes of the Meetings and copy of the promotion/rejection order issued on the recommendations of DPC from time to time."

7. The Hon'ble High Court of Karnataka in Writ Petition No. 23695 of 2022 titled *A.S. Mallikarjunaswamy Vs 1. State Information Commissioner, Karnataka Information Commission 2. The Director, Department of Pre University Education, 3. The Joint Director, Department of Pre University Education, 4. The Deputy Director for Pre University Education, Mysuru District*, held as under:

"3. Having heard the petitioner-party-in-person and learned Advocates appearing for the Respondents, this court is inclined to grant indulgence in the matter inasmuch as there is no scope for invocation of Sec.8(1)(j) since petitioner is not a stranger to the Respondent- institution, but a Lecturer working therein since years; it NC: 2023:KHC:29928 hardly needs to be stated that for working out redressal for the grievances in service, an employee has to have full service particulars of other employees working under the same employer especially when dispute arises relating to confirmation, seniority, promotion or the like. The decision cited by the learned Panel Counsel in GIRISH RAMACHANDRA DESHPANDE supra had a different fact matrix and therefore the Apex Court held that personal information cannot be furnished.

4. It hardly needs to be stated that a decision is an authority for the proposition that has been laid down in a given fact matrix of a case and not for all that which logically follows from what has been laid down. Lord Halsbury more than a century ago, in the celebrated case of Quinn vs. Leathem (1901) A.C. 495, 506 has observed as under:

"Now before discussing the case of Allen v. Flood, (1898) A.C. 1 and what was decided therein, there are two observations of a general character which I wish to make, and one is to repeat what I have very often said before, that every judgment must be read as applicable to NC: 2023:KHC:29928 the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there are not intended to be expositions of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found. The other is that a case is only an authority for what it actually decides. I entirely deny that it can be quoted for a proposition that may seem to follow logically from it. Such a mode of reasoning assumes that the law is necessarily a logical Code, whereas every lawyer must acknowledge that the law is not always logical at all."

5. The petitioner, a party-in-person is justified in contending that unless the service particulars of the persons which he has sought for in the subject RTI application are furnished, he will not be in a position to work out his grievance in the subject service matter. This aspect has not animated the impugned order and therefore there is an error apparent on its face warranting indulgence of this court. He is more than justified in placing reliance on the Government Order dated 02.06.2011 which prescribes

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certain parameters for granting relaxation of service conditions relating to NC: 2023:KHC:29928 reservation. To avail benefit under the said Government Order, the information which the petitioner has sought for, becomes essential. Denying information virtually amounts denying opportunity to the petitioner to avail the benefit of said Government Order."

8. The appellant, in her Second Appeal to this Commission dated 24.5.2023, contends that the information sought by her by way of "copies of Agenda and Minutes of Personnel Committee of PSCST held from 1st January 2011 to 31st December 2016" is required to "unfold irregularities in the recruitment process and favorable promotions, as reported in FD Audit Report dated 22 April 2015." The appellant alleges that as per the cited audit report, the selection of the PIO as well as that of the FAA are "in question."

9. After reading the afore-cited judicial precedents, this Commission is of the view that the PIO's contention that the information sought by the appellant, includes personal information of PSCST employees, as well as, the FAA's conclusion that the information sought pertains to third parties, and therefore qualifies for exemption from disclosure as per Section 8(1)(j) and Section 11 of the RTI Act, are not sustainable.

10. The appellant has rightly pointed out that the respondent PIO failed to follow the procedure stipulated as per Section 11 of the RTI Act, to notify the stated third parties. Furthermore, the appellant's assertion that the information is required to expose irregularities in the recruitment and promotion process within the respondent public authority, attracts the exception contained within Clause j of Section 8(1) of the RTI Act, which reads as under:

information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

11. The very Preamble of the RTI Act, 2005 states that it is "An Act to provide for setting out the practical regime of right to information 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. ..." The disclosure of the information, sought by the appellant to expose irregularities or corrupt practices within the respondent public authority, is most certainly in the larger public interest.

12. Accordingly, the respondent PIO is hereby directed to provide the information sought in this RTI application, to the appellant Ms. Rupali Bal by way of duly certified copies along with a covering letter detailing the information. This must be done within 15 days of receipt of this Order, under intimation to the Commission. Along with the aforesaid direction, this Appeal is **Disposed of.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.
Chandigarh
7.6.2024