

**ODISHA INFORMATION COMMISSION  
BHUBANESWAR**

**Present : Shri Sunil Kumar Misra,  
State Chief Information Commissioner**

**Date 06<sup>th</sup> March, 2020**

**Second Appeal No.2466/2016**

Mitarani Pradhan,  
D/o-Dandadhar Barad,  
Vill-Diha Khauruni,  
PO-Badakumari,  
Dist-Khurda.....Appellant

**-Vrs-**

1. Public Information Officer  
Rama Devi Women's University,  
Bhubaneswar.
2. First Appellate Authority  
Rama Devi Women's University,  
Bhubaneswar.....Respondents

**Decision**

1. Appellant, Mitarani Pradhan, is present along with Susanta Kumar Baral who has been authorised by her.

1.1 Raj Kumar Joshi, PIO-cum-Associate Professor, Rama Devi Women's University, Bhubaneswar is also present and files a written submission.

1.2 Sidheswar Rath, Advocate, is present on behalf of Sukanti Dei, third party.

2. The appellant filed the subject second appeal vide an appeal memo in Form-E dated 25.10.2016. The appeal was directed against the PIO and the First Appellate Authority of Rama Devi Women's University, Bhubaneswar. Earlier, the appellant had filed an application in Form-A before the PIO of the said University with request to furnish information regarding the PPO details of her mother-in-Law, Sukanti Dei, who was working in the said University as an attendant. The PIO in a reply dated

04.10.2016 informed the appellant that the information sought by her could not be provided as the same related to Sukanti Dei, who happened to be a third party; and, moreover, the information was of a personal nature. Further, while Sukanti Dei had not agreed to disclosure of the information relating to her, Section 8(1)(j) as well as Section 11 of the RTI Act, 2005 were also attracted. The PIO also advised the appellant that as the information sought by her related to a matrimonial dispute which was sub-judice in a Family Court, she might approach the good office of the Hon'ble Family Court in order to get the required information. Incidentally, before getting the above reply from the PIO, the appellant had already filed first appeal and the First Appellate Authority vide an order dated 27.09.2019 had directed the PIO to pass necessary order as per the provisions of the RTI Act.

**3.** This case was earlier heard on four occasions. The Commission heard the parties during the initial hearings and directed the appellant to submit her counter on the stand taken by the PIO. In response, the appellant submitted copies of objections filed by Respondent no. 2 before the Court of the Sub-Divisional Judicial Magistrate, Bhubaneswar in Criminal Misc case no. 408/2015. The Commission could not readily appreciate the relevance of the objection thus filed to the case at hand. Nonetheless, as the appellant also filed written submission particularly on the applicability or otherwise of Section 8(1)(j) and Section 11, the Commission directed the respondents to submit a written memorandum in the matter. The gist of the appellant's written submission was that she had sought to have access to the PPO Account of Sukanti Dei in order to find out who had been declared by her as husband. The appellant had serious doubts over the matter because, as per her, one Saligram Pradhan had been so declared whereas enquiry made by the appellant did not reveal the existence of any such person in the concerned village.

**3.1** Even while directing the respondents to submit their written memorandum, the Commission also directed them to submit before the Commission a copy of the PPO in question.

**3.2.** The Commission simultaneously allowed opportunity to the third party in view of Section 19 (4) of the RTI Act, 2005.

**4.** In compliance of the directions thus given, the PIO submitted a copy of the PPO. The Advocate for the appellant as well as the Advocate for the third party also submitted written memoranda. The Advocate for the third party argued that the appellant had no *locus-standi* to ask for the information in view of the provisions of Sections 2(f), 2 (n) and 2(j). It was also contended that the information was very much in the nature of personal information within the meaning of Section 8(1)(j). The Commission did not find merit in the references made by the Advocate for the third party to Sections 2(f), (h) and (j). At the same time, the Commission directed the respondents to justify their reliance on Section 8(1)(j) and also to specifically state which part of the PPO could be regarded as third party information.

**4.1** The appellant was also given an opportunity to counter the argument of the third party that Section 8(1)(j) would bar disclosure. Without prejudice to the above, the appellant was also asked to demonstrate the nexus which the information sought by her had with any public interest or public activity. In this connection, references were made to the decision of the Hon'ble Supreme Court of India in the case of Girish Ramchandra Deshpande Vrs CIC and Others; and in the cases of Employees of Canara Bank as represented by its Deputy General Manager Vrs C. S. Shyam & Another.

**5.** The appellant has not made any submission despite the direction. No written memorandum has been filed by or on behalf of the third party either. On the other hand, the PIO of the respondent University has stated that while the PPO account number has to be treated as personal information and, therefore, cannot be shared; the name of the deceased husband with reference to whom the third party, Sukanti Dei, got her job under the Rehabilitation Programme can be shared by way of proactive disclosure, if applied for through a separate application.

6. The Submissions made by the parties from time to time have been considered. The appellant had asked for the PPO details relating her mother-in-law, who is admittedly a third party. The PPO would contain the Account number as well as the other details available therein. Therefore, the PIO's latest submission that the appellant had only asked for the PPO Account number and not for the other details is not correct. Hence the appellant does not have to file a separate application to get such details. The Commission has noted that the PIO has objection to furnishing the PPO Account number. But he has no objection to furnishing the other details. As transpired during the course of the subject proceedings, the appellant is keen to get the other details. More specifically, she wants to know who was declared by the third party, in the PPO Account, as her husband. She has not raised any contention with regard to the Account number. As regards the other details, the Commission cannot find any reason why a daughter-in-law, even if estranged, cannot know the name of her father-in-law. In fact, such knowledge is basic to any matrimonial relationship; hence cannot be regarded as secret vis-a-vis the parties to the relationship. The Commission has also perused the PPO and has found that the above particulars are available. Hence the Commission hereby directs the PIO of Rama Devi Women's University to furnish a copy of the PPO to the appellant after protecting / severing the Account Number. The above direction shall be complied with within 3 days from the date of receipt of this order under intimation to this Commission.

7. With the above observations and direction, the case is hereby closed and the subject second appeal stands disposed of.

**Pronounced in open proceedings**

Given under the hand and seal of the Commission this day, the 06<sup>th</sup> March, 2020.

**State Chief Information Commissioner**  
06.03.2020