

SECTION 2

CIC/Legal/DEL/2015/027

CIC Order No. : CIC/SA/C/2014/000046

Operative Section : Section 2(h) of RTI Act.

Brief of CIC Order :

CIC directed the petitioner to provide the information sought by respondent upon following third party procedure, as provided in Section 11(1) of the Right to Information Act, 2005.

Writ Petition No. : 61/2015, Delhi High Court.

Issue :

Whether petitioner i.e. Holy Family Hospital is a public authority or not.

Brief of Court Order :

Court set aside the order of CIC and remanded the matter back to the CIC for fresh determination. Court observed,

“The CIC will re-hear the matter and determine all the issues arising there from. The CIC, will also grant time to the petitioner to file a response to the appeal preferred by respondent no 4”.

Status : Disposed of.

CIC/Legal/DEL/2015/035

CIC Order No. : CIC/SM/C/2011/001542, CIC/SM/C/2012/000609 &
/SM/C/2011/001322.

Operative Section : Section 2(h) of RTI Act.

Brief of CIC Order :

CIC held that the Attorney General of India is not a Public Authority under Section 2(h) of the RTI Act.

Writ Petition No. : 1041/2013, Delhi High Court.

Issue :

Whether Attorney General of India is a Public Authority under Section 2(h) of the RTI Act or not.

Brief of Court Order :

The Court set aside the impugned order and remanded the matter to CIC to consider the contention of the petitioner before the CIC.

CIC/Legal/DEL/2015/053

CIC Order No : CIC/WB/A/2010/000320 & 321-SM

Operative Section : Section 4(1)(a), 2(i) & 2(j) of RTI Act.

Brief of CIC Order :

CIC directed the CPIO to provide the information within 15 days if available centrally and if the information sought was not centrally available to bring it to the notice of the competent authority in the supreme court to ensure that necessary arrangements are made in future for compiling such information and disclosing it in the public domain.

Writ Petition No : 6634/2011, Delhi High Court.

Issue : Whether CIC was right in its order or not.

Brief of Single Bench Court Order :

Court while disposing of the writ observed,

“the order of the CIC dated 03.08.2011 to the extent that it requires the information regarding the period for which the judgements are pending after being reserved to be placed in public domain cannot be sustained”.

However, the learned single judge upheld the direction of CIC to maintain the records in a manner so that the information regarding the period for which the judgements are pending after being reserved is available with the petitioner in future.

LPA No. : 24/2015, Delhi High Court.

Brief of Division Bench Order ;

Court while setting aside the Single Bench Order as well as the CIC Order held’

“On a combined reading of Section 4(1)(a) and section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Ct. As already noticed above, “right to information” under section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant.

The order under appeal to the extent of upholding the direction of CIC in the order dated 03.08.2011 not being in conformity with the provisions of the

Act and the law laid down in CBSE Vs Aditya Bandopadhyay & Ors cannot be sustained”.

Status : Disposed of.

CIC/Legal/2015/018

CIC Order No : CIC/OP/A/2009/000129.

Operative Section : Section 2(h) & 20 of RTI Act.

Brief of CIC Order :

Commission while declaring DIAL as a public authority imposed a penalty of Rs 2000/- to be paid by CEO of the DIAL to Sh. Styra Parkash Rathi while observing,

“as per the earlier decision of the Commission in decision No. CIC/OK/C/2006/00129 dated 17.01.2007, DIAL is a Public Authority under RTI Act and the Commission’s order is final.”

Writ Petition No : 3816/2011, Delhi High Court.

Issue :

Whether Commission was right in holding DIAL as Public Authority under RTI Act.

Brief of Court Order:

Court while setting aside the order dated 27.02.2011 of the Commission remanded the matter back to CIC to consider it afresh and pass a speaking order after hearing the petitioner on the question whether the petitioner is a public authority within the meaning of Section 2(h) of the Act.

Status : Disposed of on 25.09.2014.

CIC/Legal/2015/013

CIC Order No : CIC/AD/A/2013/000658-SA.

Operative Section : Section 2(h) of RTI Act.

Brief of CIC Order :

Commission directed the school to discharge their obligation under law by furnishing the information sought by the appellant to the respondent authority, who in turn is directed to provide the same to the appellant within 21 days from the date of receipt of this order.

Writ Petition No : 3915/2014, Delhi High Court.

Issue :

Whether an unaided recognized school is a public authority within Section 2(h) of the RTI Act, 2005.

Brief of Single Bench Order:

Court up-held the order of the Commission and observed,

“There can possibly be no objection in providing the copies of the service book and the appointment letter issued by the petitioner school to respondent no 2.

The learned counsel for the petitioner is unable to explain as to how disclosure of any these documents would prejudice the interest of the petitioner or cause any irreplaceable or irretrievable harm to it. In this view the stay order granted by this court on 16.06.2014 is vacated”.

L.P.A No. : 515/2014, Delhi High Court.

Brief of Court Order:

Court disposed of the matter while observing,

“without expressing any opinion on the merits of the case, the appeal is disposed of requesting the learned Single Bench to dispose of the writ petition as expeditiously as possible. Till such time, the order of stay passed in this appeal shall remain in force”.

Status : Disposed of on 28.10.2014.

CIC/Legal/DEL/2015/095

CIC Order No : ICPB/A-8/CIC/2006

Operative Section : Section 2(h) of the RTI Act.

Brief of CIC Order :

CIC held that Electronics and Computer Software Export Promotion Council (ESC) is a public authority within the meaning of Section 2(h) of the RTI Act.

Writ Petition No : 11434/2006, Delhi High Court.

Issue :

Whether the Commission was right in holding ESC as public authority.

Brief of Single Judge Order :

Court while upholding the order of the CIC observed,

“In the circumstances, the orders impugned by the petitioner do not have any jurisdictional error nor suffer from any material illegality. Therefore for the reasons stated hereinabove, it is held that the petitioner is a public authority as contemplated under the Right to Information Act, 2005 and is liable to render information as has been directed by the orders impugned in the petition”.

L.P.A No. : 1802/2006, Delhi High Court.

Brief of Court Order:

Court dismissed the appeal with the observation that there is no merit in the appeal.

Status : Disposed of on 01.09.2008.

CIC/Legal/Del2015/067

CIC Order No : CIC/SG/A/2010/002949

Operative Section : Section 2(h) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal declared Mother Diary as public authority as defined by the RTI Act. The Commission directed the PIO of Mother Diary to provide the information to the appellant as per the RTI Act.

Writ Petition No : 5809/2011, Delhi High Court.

Issue :

Whether CIC was right in holding Mother Diary as public authority as per RTI Act.

Brief of Court Order:

Court while upholding the decision of the Commission declared Mother Diary as public authority and observed,

“it would be seen that the undertakings of the petitioner had been funded, to a significant extent, by the Central Government. This cannot be considered as a case where assistance was granted by the Central Government under schemes for betterment of cooperative sector or as general subsidies, which are available to a specified class of entities. The undertaking of Mother Diary, Delhi and other projects were special initiatives of the Central Government as a part of Operation Flood Programme. It is also not the petitioner’s case that the assistance granted to promote Mother Diary, Delhi or the Fruit and Vegetable Project were in terms of any general scheme floated by the Government. It is relevant to note that the expression “substantially financed” is suffixed by the words “directly” or “indirectly”. Thus, the finances indirectly provided by an appropriate Government would also have to be considered while determining whether a body has been substantially financed by appropriate Government. The test to be applied is whether funds provided by the Central Government, directly or indirectly, are of material or considerable value to the body in question. In the present case, the basic infrastructure of the petitioner’s undertakings were promoted by funds provided by Central Government: whether the said funds found their way through NDDDB or otherwise is not material. Thus, in my view, the petitioner would also be a public authority on account of being substantially financed by the Central Government”.

Status : Disposed of on 02.02.2015.

CIC/Legal/2015/103

CIC Order No : CIC/LS/A/2011/001107 & CIC/LS/A/2011/001848

Operative Section : Section 2(h) of RTI Act.

Brief of CIC Order :

Commission while declaring AFSC to be a public authority under section 2(h)(d)(i) of the RTI Act, 2005 directed AFSC to appoint a Public Information Officer/ First Appellate Authority within 30 days of this order and observed,

The Commission is of the view that there is substantial financing as the land on which the AFSC is located is owned by the Government of India and if the AFSC is not permitted to function on the said land, it will cease to exist. Moreover, the management of AFSC is in the hands of the serving Air Force officers and hence the body is controlled by the appropriate government.

Writ Petition No : 741/2012, Delhi High Court.

Issue :

Whether CIC order of declaring AFSC as public authority was sustainable under RTI Act.

Brief of Court Order:

Court while allowing the petition set aside the order of the Commission and remanded back the primary issue whether petitioner is a public authority under section 2(h) of the Right to Information Act, 2005 as well as the matter to the CIC.

Status : Disposed of on 10.02.2014.

CIC/Legal/2015/131

CIC Order No : 865/ICPB/2007 & 866/ICPB/2007.

Operative Section : Section 2(h) of RTI Act.

Brief of CIC Order :

Court disposed of both the appeals with the following observation'

“In view of my finding that either the SBI Cards by itself or SBI itself could be declared to be the public authority for SBI Cards, instead of doing so, I leave it to the option of SBI to decide whether, SBI Cards would designate its own CPIO'S/AA within itself to deal with applications in respect of SBI Cards. Once SBI takes a decision, which should be done within 15 days, it should communicate the same to this Commission, RBI and also put the said decision in its website and also on the website of SBI Cards. Immediately after taking the decision, it shall forward the application of the first appellant to the designated CPIO for disposal of the application. As far as RBI is concerned , in view of my decision as above, it has no responsibility of collecting and furnishing any information regarding SBI Cards. RBI shall forward the application of the second appellant to the CPIO, SBI within 10 days, who shall further forward the same to the designated CPIO for a decision. They should dispose of the applications within 30 days of receipt of the same from SBI in terms of the RTI Act”.

Writ Petition No : 7498/2007, Delhi High Court.

Issue :

Whether a subsidiary of a public authority could itself be considered a public authority for the purposes of section 2(h) of the RTI Act.

Brief of Court Order:

Court disposed the petition with the following observation'

“In view of the fact that the principal grievances of Mr. Verma has been taken care of satisfactorily, it is not necessary to determine the question of law whether the SBI Cards is a ‘public authority’ within the meaning of Section 2(h) of the RTI Act. That question can be left open for being decided in an appropriate case. Consequently it is clarified that the impugned order dated 1st September 2007 of the CIC holding SBI Cards to be a ‘public authority’ will not constitute a precedent either for any other case against the SBI Cards before the CIC or in this Court. The question is left open for decision in an appropriate case”.

Status : Disposed of on 12.07.2010.

CIC/Legal/2015/132

CIC Order No : 865/ICPB/2007 & 866/ICPB/2007.

Operative Section : Section 2(h) of RTI Act.

Brief of CIC Order :

Court disposed of both the appeals with the following observation'

“In view of my finding that either the SBI Cards by itself or SBI itself could be declared to be the public authority for SBI Cards, instead of doing so, I leave it to the option of SBI to decide whether, SBI Cards would designate its own CPIO'S/AA within itself to deal with applications in respect of SBI Cards. Once SBI takes a decision, which should be done within 15 days, it should communicate the same to this Commission, RBI and also put the said decision in its website and also on the website of SBI Cards. Immediately after taking the decision, it shall forward the application of the first appellant to the designated CPIO for disposal of the application. As far as RBI is concerned , in view of my decision as above, it has no responsibility of collecting and furnishing any information regarding SBI Cards. RBI shall forward the application of the second appellant to the CPIO, SBI within 10 days, who shall further forward the same to the designated CPIO for a decision. They should dispose of the applications within 30 days of receipt of the same from SBI in terms of the RTI Act”.

Writ Petition No : 7499/2007, Delhi High Court.

Issue :

Whether a subsidiary of a public authority could itself be considered a public authority for the purposes of section 2(h) of the RTI Act.

Brief of Court Order:

Court disposed the petition with the following observation'

“In view of the fact that the principal grievances of Mr. Verma has been taken care of satisfactorily, it is not necessary to determine the question of law whether the SBI Cards is a ‘public authority” within the meaning of Section 2(h) of the RTI Act. That question can be left open for being decided in an appropriate case. Consequently it is clarified that the impugned order dated 1st September 2007 of the CIC holding SBI Cards to be a ‘public authority’ will not constitute a precedent either for any other case against the SBI Cards before the CIC or in this Court. The question is left open for decision in an appropriate case”.

Status : Disposed of on 12.07.2010.

CIC/Legal/2015/130

CIC Order No : 865/ICPB/2007 & 866/ICPB/2007.

Operative Section : Section 2(h) of RTI Act.

Brief of CIC Order :

Court disposed of both the appeals with the following observation'

“In view of my finding that either the SBI Cards by itself or SBI itself could be declared to be the public authority for SBI Cards, instead of doing so, I leave it to the option of SBI to decide whether, SBI Cards would designate its own CPIO'S/AA within itself to deal with applications in respect of SBI Cards. Once SBI takes a decision, which should be done within 15 days, it should communicate the same to this Commission, RBI and also put the said decision in its website and also on the website of SBI Cards. Immediately after taking the decision, it shall forward the application of the first appellant to the designated CPIO for disposal of the application. As far as RBI is concerned , in view of my decision as above, it has no responsibility of collecting and furnishing any information regarding SBI Cards. RBI shall forward the application of the second appellant to the CPIO, SBI within 10 days, who shall further forward the same to the designated CPIO for a decision. They should dispose of the applications within 30 days of receipt of the same from SBI in terms of the RTI Act”.

Writ Petition No : 7451/2008, Delhi High Court.

Issue :

Whether a subsidiary of a public authority could itself be considered a public authority for the purposes of section 2(h) of the RTI Act.

Brief of Court Order:

Court disposed the petition with the following observation'

“In view of the fact that the principal grievances of Mr. Verma has been taken care of satisfactorily, it is not necessary to determine the question of law whether the SBI Cards is a ‘public authority’ within the meaning of Section 2(h) of the RTI Act. That question can be left open for being decided in an appropriate case. Consequently it is clarified that the impugned order dated 1st September 2007 of the CIC holding SBI Cards to be a ‘public authority’ will not constitute a precedent either for any other case against the SBI Cards before the CIC or in this Court. The question is left open for decision in an appropriate case”.

Status : Disposed of on 12.07.2010.

CIC/Legal/2015/126

CIC Order No : CIC/OK/A/2006/000303
Operative Section : Section 2(h) of RTI Act.
Brief of CIC Order :

Commission while disposing the appeal and awarding compensation to the appellant on the reason that the respondent failed to produce the information and what was more disturbing, did not had an answer as to why the information asked i.e. affiliation of a certain school should not have been there on their records observed,

“The Commission, therefore, regards this as a clear malafide suppression of information demanded by the Appellant and an attempt to mislead him and also the Commission It, therefore, orders as follows:

- (i) the concerned Organization should ensure that a PIO and an Appellate Authority are in place by 28 November 2008. The Commission was indeed surprised when it heard the Respondents saying that for the appointment of a PIO and an Appellate Authority they had to seek the concurrence of their Governing Body whereas it should have been automatic and immediate after the implementation of the RTI-Act;
- ii) In view of the fact that the Respondents kept on saying that they would bring all the documents before the Commission for the Commission itself to see whether the records on the subject were available, the Commission takes grave objection to this stand and directs them to provide specific information that the Appellant has asked by 14 November 2008;
- iii) (iii) In case the information asked for by the Appellant is not available, valid reasons must be provided to the Appellant for non-availability of records on the subject;
- iv) (iv) In its earlier Order of 3 May 2007, the Commission had clearly ordered that (in case the Appellant has to come again for another hearing in the case, he should be compensated to the extent of to and fro travel Mumbai-Delhi II A.C. fare and Rs.500/- for his stay in Delhi. Since the Appellant has come for the hearing, the Commission directs the Respondents to make this entire payment to the Appellant by 14 November 2008;
- v) (v) In view of the dilatory tactics of the Respondents in denying the information to the Appellant, the Commission awards a compensation of Rs.10,000/- to the Appellant for the unnecessary mental harassment that he has undergone. This payment must be made to the Appellant by 28 November 2008.
- vi) (vi) Finally, in case the Appellant has to come to the Commission again for a hearing complaining of non-compliance of the Commissions Orders, the Appellant may be once again paid the to and fro 2 AC train Mumbai-Delhi train fare and Rs.1,000/- for his stay in Delhi. In case the Appellant has to come

again, he may purchase the ticket and ask the Respondents for a compensation of this amount.

On hearing from the Appellant about the compliance/non-compliance of this case, the Commission may/may not decide to hold another hearing”.

Writ Petition No : 8537/2008, Delhi High Court.

Issue :

Whether the Council for the Indian School Certificate Examination(CISCE) is a public authority within the meaning of Section 2(h) of the RTI Act, 2005.

Brief of Court Order:

Court while upholding the order of the CIC observed,

“the conclusion is inescapable that there is control by the central and the state governments over the functioning of the CISCE as such. While the day to day administration of the CISCE may be a smaller committee, as far as the overall control over the functioning of the CISCE , the nominees of the central and state governments are in substantial number on the CISCE and therefore play a significant role in its functioning. This is sufficient to bring the petitioner within the ambit of the definition of ‘public authority’ under Section 2(h) (d) (i) of the RTI Act.

Status : Disposed of on 30.05.2011.

CIC/Legal/2013/028

CIC Order No : CIC/OK/A/2006/000303.

Operative Section : Section 2 (h) & 2 (f) of RTI Act.

Brief of CIC Order :

Commission while declaring Council of Indian School Certificate Examination as public authority u/s 2(f) of the RTI Act directed the respondent to disclose the information to the appellant.

Due to non-compliance of the Commission's order, the Commission awarded a compensation of Rs 10,000/- to the appellant for the unnecessary mental harassment that he has undergone as there was a clear malafide suppression of information demanded by the appellant and an attempt to mislead the appellant, as per the records.

The Commission in its order also directed the respondent to appoint a PIO and an Appellate Authority under the RTI Act .

Writ petition No : 8537/2008, Delhi High Court.

Issue :

Whether Council of Indian School Certificate Examination is a public authority under section 2(h) of RTI Act.

Brief of Court Order :

Court dismissed the petition while observing,

“the conclusion is inescapable that there is control by the central and the state governments over the functioning of the CISCE as such. While the day to day administration of the CISCE may be by a smaller committee, as far as the overall control over the functioning of the CISCE, the nominees of the central and state governments are in substantial number on the CISCE and therefore play as significant role in its functioning. This is sufficient to bring the petitioner within the ambit of the definition of public authority under section 2(h) (d) (i) of the RTI Ac. This conclusion is also consistent with the public character of the petitioner which oversees a separate system of affiliation of schools and conduct of public examination in the ICSE pattern.

For the aforementioned reasons, this court is not inclined to interfere with the impugned order of the CIC holding the petitioner to be a public authority for the purposes of the RTI Act”.

L.P.A No. : 617/2011.

Brief of Division Bench Order:

The court has set aside the single bench order and also the order of the Commission declaring it as a public authority and left the question open and to be decided in an appropriate case while observing,

“there is prima facie some merit in what learned counsel for the petitioner has contended with regard to the Council not falling within the definition of public authority under section 2(h) of the said Act.

However, we feel that we need not to go into that aspect of the matter inasmuch as the learned counsel for the petitioner has fairly stated that he is willing to provide all the information that the respondent no.1 is seeking”.

Status : Disposed of on 24.07.2012.

CIC/Legal/2011/008

CIC Order No : CIC/DS/A/2010/000349-DS

Operative Section : Section 2(h) (d) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal declared GIPSA as a public authority under section 2(h) (d) of the RTI Act while observing,

“In view of the arguments enumerated above the Commission rules that GIPSA is in fact a public authority within the meaning of Section 2(h)(d)(i) of the Act. GIPSA may accordingly take immediate action to appoint a CPIO and provide information to the appellant within 3 weeks of receipt of the Decision Notice. As GIPSA is by its own calling a coordination mechanism for the 4 member companies on various operational and policy issues, the CPIO, GIPSA will forward the RTI application along with a copy of the 2nd. Appeal to the CPIO’s of the “member companies” within one week of receipt of the order and they will provide information to the applicant within 2 weeks thereafter”.

Writ Petition No : 8041/2010, Delhi High Court.

Issue :

Whether the Commission was right in declaring GIPSA as public authority under RTI Act.

Brief of Court Order :

Court while deciding the petition set aside the order of the Commission while observing

“It is stated that respondent no 2 has already been provided the information as sought for by the said respondents. In the given circumstances, it is not necessary to go into question whether the petitioner is a public authority or not. However, the impugned order is set aside and the question whether the petitioner is a public authority or not within the meaning of Right to Information Act, 2005 is left open to be decided in an appropriate case”.

Status : Disposed of on 27.08.2014.

CIC/Legal/2011/078

CIC Order No : CIC/WB/A/2010/000320 & 321-SM

Operative Section : Section 4(1)(a), 2(i) & 2(j), 19(8)(a) (iv) of RTI Act.

Brief of CIC Order :

CIC directed the CPIO to provide the information within 15 days if available centrally and if the information sought was not centrally available to bring it to the notice of the competent authority in the supreme court to ensure that necessary arrangements are made in future for compiling such information and disclosing it in the public domain.

Writ Petition No : 6634/2011, Delhi High Court.

Issue :

Whether CIC was right in its order or not.

Brief of Court Order :

Court partly allowed the petition and upheld the order of the Commission while observing,

The petitioner's contention that the directions of the CIC violates Article 145 of the Constitution of India is also without merit. Article 145 of the Constitution of India empowers the Supreme Court to make rules as to practice and procedure of the said court. The impugned order does not in any manner seek to alter, add or amend any practice or procedure of the court; the impugned order is limited to ensure that records are arranged and maintained in a manner so as to facilitate access to certain information.

I find no infirmity with the impugned order in so far as it directs that the records may be maintained in a manner so that the information regarding the period for which the judgments are pending after being reserved, is available with the petitioner in future.

Status : Disposed of on 04.12.2014.

CIC/Legal/2011/079

CIC Order No : CIC/OK/A/2006/000303

Operative Section : Section 2(f) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal declared CISCE as a public authority and directed the respondents to ensure that a PIO and an Appellate Authority are in place by 28 November 2008 and also to answer queries raised by the appellant without raising a plea of inapplicability of the RTI Act to the respondent.

Writ Petition No : 8537/2008, Delhi High Court.

Issue :

Whether the Commission was right in declaring CISCE as a public authority under RTI Act.

Brief of Single Bench Order :

Court while dismissing the petition did not interfere with the order of the Commission while observing,

“Given the above composition of the CISCE, the conclusion is inescapable that there is control by the central and the state governments over the functioning of the CISCE as such. While the day to day administration of the CISCE may be by a smaller committee, as far as the overall control over the functioning of the CISCE, the nominees of the central and state governments are in substantial number on the CISCE and therefore play a significant role in its functioning. This is sufficient to bring the Petitioner within the ambit of the definition of public authority under Section 2 (h) (d) (i) of the RTI Act. This conclusion is also consistent with the public character of the Petitioner which oversees a separate system of affiliation of schools and conduct of public examination in the ISCE pattern.

For the aforementioned reasons, this Court is not inclined to interfere with the impugned order of the CIC holding the Petitioner to be a public authority for the purposes of the RTI Act.

L.P.A NO : 617/2011, Delhi High Court.

Brief of Court Order :

Court set aside the order of the commission while leaving the question whether CISCE is a public authority or not open to be decided in an appropriate case having regard inasmuch as the learned counsel for the petitioner has fairly stated that he is willing to provide all the information that the respondent No.1 is seeking. For this purpose, petitioner has stated that the petitioner shall even permit the respondent No.1 and all his representatives to visit the office of the petitioner, after seeking a prior appointment, and to inspect the relevant file(s).The respondent shall also be permitted to obtain copies of the documents which he feels would be relevant for his purpose.

Status : Disposed of on 24.07.2011.

SECTION 4

CIC/Legal/DEL/2015/053

CIC Order No : CIC/WB/A/2010/000320 & 321-SM

Operative Section : Section 4(1)(a), 2(i) & 2(j) of RTI Act.

Brief of CIC Order :

CIC directed the CPIO to provide the information within 15 days if available centrally and if the information sought was not centrally available to bring it to the notice of the competent authority in the supreme court to ensure that necessary arrangements are made in future for compiling such information and disclosing it in the public domain.

Writ Petition No : 6634/2011, Delhi High Court.

Issue : Whether CIC was right in its order or not.

Brief of Single Bench Court Order :

Court while disposing of the writ observed,

“the order of the CIC dated 03.08.2011 to the extent that it requires the information regarding the period for which the judgements are pending after being reserved to be placed in public domain cannot be sustained”.

However, the learned single judge upheld the direction of CIC to maintain the records in a manner so that the information regarding the period for which the judgements are pending after being reserved is available with the petitioner in future.

LPA No. : 24/2015, Delhi High Court.

Brief of Division Bench Order ;

Court while setting aside the Single Bench Order as well as the CIC Order held'

“On a combined reading of Section 4(1)(a) and section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Ct. As already noticed above, “right to information” under section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant.

The order under appeal to the extent of upholding the direction of CIC in the order dated 03.08.2011 not being in conformity with the provisions of the Act and the law laid down in CBSE Vs Aditya Bandopadhyay & Ors cannot be sustained”.

Status : Disposed of.

CIC/Legal/2015/096

CIC Order No : CIC/LS/A/2009/000322.

Operative Section : Section 4 of the RTI Act.

Brief of CIC Order :

While allowing the appeal, Commission made following observation,

“this Commission in enquiring into the complaint of Er. Sarbajit Roy is satisfied that there are grounds to enquire into the matter of compliance with sec 4 of the RTI Act by the DDA. To initiate this enquiry a Committee of the following is appointed which will go into the details of servicing of the RTI Act by all wings and sections of the DDA and submit a report to this Commission within 45 working days of the date of receipt of this Decision Notice:

1. Ms. Shujata chaturvedi, Director MoUD
2. Shri Dunu Roy, Hazards Centre, Delhi
3. Shri Pankaj KP Shreyskar Jt Registrar, CIC, Member Secretary”.

Writ Petition No : 12714/2009, Delhi High Court.

Issue :

(1) Whether the CIC has the power, under the RTI Act and Rules made thereunder to appoint a committee of persons other than the members of the Commission, to inquire into the implementation of the obligations cast upon a public authority, such as the DDA by virtue of Section 4 of the RTI Act.

(2) Whether the Chief Information Commissioner had the power to make the Central Information Commission(Management) Regulations, 2007 under Section 12(5) of the RTI Act and particularly regulations with regard to the subject matter of Chapter IV thereof, namely ‘registration, abatement or return of the appeal’.

Brief of Court Order:

The Court set aside the order of the CIC to the extent the Central Information Commission appointed an “enquiry committee” when it was incumbent upon the Commission to conduct the inquiry itself. It is also set aside to the extent that it draws an adverse inference with regard to the absence of the Vice-chairman, DDA in one of its sittings. The impugned Regulations are quashed as being ultra vires the Right to Information Act, 2005.

Status : Disposed of on 21.05.2010.

CIC/Legal/2011/078

CIC Order No : CIC/WB/A/2010/000320 & 321-SM

Operative Section : Section 4(1)(a), 2(i) & 2(j), 19(8)(a) (iv) of RTI Act.

Brief of CIC Order :

CIC directed the CPIO to provide the information within 15 days if available centrally and if the information sought was not centrally available to bring it to the notice of the competent authority in the supreme court to ensure that necessary arrangements are made in future for compiling such information and disclosing it in the public domain.

Writ Petition No : 6634/2011, Delhi High Court.

Issue :

Whether CIC was right in its order or not.

Brief of Court Order :

Court partly allowed the petition and upheld the order of the Commission while observing,

The petitioner's contention that the directions of the CIC violates Article 145 of the Constitution of India is also without merit. Article 145 of the Constitution of India empowers the Supreme Court to make rules as to practice and procedure of the said court. The impugned order does not in any manner seek to alter, add or amend any practice or procedure of the court; the impugned order is limited to ensure that records are arranged and maintained in a manner so as to facilitate access to certain information.

I find no infirmity with the impugned order in so far as it directs that the records may be maintained in a manner so that the information regarding the period for which the judgments are pending after being reserved, is available with the petitioner in future.

Status : Disposed of on 04.12.2014.

CIC/Legal/2012/0117

CIC Order No : CIC/DS/C/2010/000029
Operative Section : Section 4(b) (viii) of the RTI Act.
Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information as sought by the appellant while observing,

“It may also be noted that the IRDA is mandated to take action to protect the interests of the policy holders, to regulate, promote and ensure the orderly growth of the insurance industry and, therefore, a large number of decisions of the Governing Board/Board of Directors/Committee of Directors and General Regulatory concern issues to be pursued by IRDA keeping in mind public interest. The Commission sees no reason why these decisions should be kept hidden behind veils of secrecy when, their being brought out in the public domain would, in fact, enhance the image of the public authority in the eyes of the vast citizenry which is covered by life/non-life insurance. The Commission sees no reason why these minutes could not be provided to the appellant as these do not seem to be barred by any of the exemption Sections of the RTI Act. However, should the respondents consider any definitive portion of the minutes as commercially sensitive they may use the provisions of section 10(1) to suitably sever it before transmitting the information to the appellant. The information may be provided within 3 weeks from the date of the receipt of this order”.

Writ Petition No : 4033/2011, Delhi High Court.

Issue :

Whether Court can give directions to respondents to implement the Orders of the Commission.

Brief of Court Order :

Court while deciding the petition observed,

“Upon a complaint being raised about the non-compliance of the order dated 27.10.2010, the CIC issued a notice dated 30.03.2010 to the respondent public authority warning it that it may initiate proceedings under Section 20 of the RTI Act and also recommend initiation of disciplinary proceedings against the concerned officers. If the petitioner has any grievance with regard to the non-compliance of the

orders of the CIC, it is for the petitioner to approach the CIC. This Court cannot be converted into an executing Court in respect of the orders passed by the CIC.

Accordingly, this petition is disposed of with liberty to the petitioner to approach the CIC in case the petitioner is aggrieved by the alleged non-compliance of the orders of the CIC”.

Status : Disposed of on 21.12.2011.

SECTION 7

CIC/Legal/2012/013

CIC Order No : CIC/AD/A/2011/001456/SG

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information to the appellant while issuing show cause notice against the PIO and directed the PIO to give reasons to the Commission to show why penalty should not be levied on him while observing,

“From the facts of the case, it appears that the PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI act. He has further refused to obey the orders of his superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given. It appears that the PIO’s action attract the penal provisions of Section 20(1)”.

Writ Petition No : 8932/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the complete information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition observed,

“the information sought by the respondent is not in respect of any passport holder, but in respect of the employees working in passport office, Bhopal. The second information, however, cannot be disclosed to him since the copies of application for grant of passport would contain personal details of the passport holder. However, the information at serial number 3 i.e. list of authorized agents and rules governing them should certainly be supplied to the respondent if there is any such list and rules governing authorized agents”.

Status : Disposed of on 17.09.2013.

CIC/Legal/2012/005

CIC Order No : CIC/SM/A/2011/001010/SG

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal imposed a maximum penalty of Rs 25,000/- upon the CPIO Mr. Narian Tatachari, Chief Manager observing that since the delay in providing information was over 100 days.

Writ Petition No : 8405/2011, Delhi High Court.

Issue :

Whether the Commission was right in imposing maximum penalty upon the CPIO.

Brief of Court Order :

Court while deciding the petition modified the order of the Commission and observed,

“while the finding of the CIC that there was delay in furnishing is sustained, the direction imposing penalty of Rs 25,000/- on the petitioner No. 1 is set aside. The order is modified to the extent that the respondent shall be paid a sum of Rs. 10,000/- by the petitioner No. 2/bank on account of delay in complying the direction of the First Appellate Authority”.

Status : Disposed of on 09.01.2013.

CIC/Legal/2012/046

CIC Order No : CIC/DS/A/2010/000360

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal issued show cause notice against the PIO and directed the PIO to give reasons to the Commission to show why penalty should not be levied on him and also awarded compensation of Rs 25,000 to the appellant while observing,

“As regards awarding of compensation to the appellant, there is undoubtedly a strong case in his favour since as per the averments due to the denial of information sought by him from the CPIO he could not defend his case in court there by resulting in substantial monetary loss and mental anguish. The appellant is at liberty to approach the court on the basis of new facts made available to him through the RTI Act and seek justice through the judicial system. In this case Commission considers that the ends of justice will be served if the appellant is awarded symbolic compensation of Rs 25,000 to be paid by the respondent within three weeks of receipt of the order along with a copy of the first survey report”.

Writ Petition No : 2558/2012, Delhi High Court.

Issue :

Whether the Commission was right in awarding compensation and issuing show cause against the PIO.

Brief of Court Order :

Court while dismissing the petition observed,

“The contention that the document was not available with the petitioner cannot be accepted as the same had not been communicated to the respondent at the material time. Further, in the given facts and circumstances of the case, the respondents claim had been repudiated and the petitioner was obliged to provide the necessary documents. Given the conduct of the petitioner, I find no reason to interfere with the compensation awarded by the CIC”.

Status : Disposed of on 03.09.2014.

CIC/Legal/2012/042

CIC Order No : CIC/SM/A/2011/000433
Operative Section : Section 7(1) & 20(1) of the RTI Act.
Brief of CIC Order :

CIC while disposing of the appeal observed,

We carefully examined the contents of the RTI application and found that much of it was in the nature of posing hypothetical questions and seeking the opinion or comment of the CPIO. Obviously, the CPIO cannot be expected to offer any such comment, clarification or opinion. All that he is expected to provide under the Right to Information, such as, copies of relevant records and documents. In this case, the CPIO has provided the available information wherever he could. There is, thus, no merit in this appeal.

Writ Petition No : 2135/2012, Delhi High Court.

Issue :

Whether the Commission was right in dismissing the appeal.

Brief of Single Bench Order :

Court while dismissing the petition imposed costs of Rs. 25,00/- paid to the Delhi High Court Legal Services Committee observed,

“I do not find any merit in this petition. The CPIO has correctly replied in response to the query No. 4 that he is not competent to give a decision in the matter. The procedure followed by the CIC is as per the Right to Information Act and the Rules framed thereunder. It is clear that the petitioner is raising wholly hypothetical questions and is seeking the opinion of the CIC, rather than seeking any definite information on any particular aspect. A perusal of the query itself shows that it does not pertain to any specific instance when, according to the petitioner, the CPIO of any other public authority has given false information report to the authorities of the CIC. It is obvious that if, according to the petitioner, any information provided by the public authority concerned is false, it is for the querist to point out that the same is false. The CIC, on its own, would obviously not come to know whether the information provided is true or false. Only when the querist moves the CIC with a grievance that information is false then the CIC would not be in a position to deal with the matter. A mere bald assertion that the information provided by the PIO is false is not

enough. The querist has to provide some bases for the CIC to act on such an allegation.

So far as query No. 5, as aforesaid, is concerned, it is nothing but an exercise to seek the opinion of the CIC. That is not the purpose of the RTI Act. It is abundantly clear to me that the petitioner is a busy body and is misusing the provisions of the Act just to cause harassment, to and wastage of time of the CIC.

Brief of Court Order:

Court dismissed the appeal finding no merit in the appeal. However, the cost of Rs 25,000/- were reduced to Rs 5000/-

Status : Disposed of on 02.05.2012.

CIC/Legal/2012/044

CIC Order No : CIC/SS/A/2011/000973, 578,001328 ,001351& 001543-36.

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC in CIC/SS/A/2011/000973 directed that disciplinary action be taken against the petitioner, under section 20(2) of RTI Act for persistently failing to supply the information on various occasions, including the present one.

CIC in CIC/SS/A/2011/000578 imposed a penalty of Rs 25,000/- under section 20(1) of the Act on the respondent for failing to provide information without reasonable cause.

CIC in CIC/SS/A/2011/001328 & in CIC/SS/A/2011/001534-36 directed the respondent to dispose of the respective RTI applications within two weeks. The CIC, further issued show cause notice under section 20(1) under the Act for not responding to the RTI application and subsequently for not complying with the orders of the first appellate authority for providing information.

Writ Petition No : 2458/2011, Delhi High Court.

Issue :

Whether the Commission was right in its orders.

Brief of Court Order :

Court while dismissed the petition and observed,

“At the outset, I may state that the challenge raised by way of the present petition, as regards the two orders dated 07.02.2012 mentioned at SI Nos. C & D above, is premature. These orders of the CIC call upon the petitioner to show cause as to why action should not be taken against her for not supplying information as required of her under the Act. The said show cause notices are yet to be adjudicated upon.

The petitioner cannot, in the garb of the issues of law, raised by way of the present petition, refuse to perform its duty to tender a response to an application, under the Act. The CPIO may be well within his/her rights to deny the information by raising issues of law and/or exemptions under section 8 of the Act in its response. However, the plea that legal issues and/or exemptions arise would not, by any means whatsoever, absolve the CPIO of its statutory obligation of replying to an application made under the Act within time”.

Status : Disposed of on 26.04.2012.

CIC/Legal/2012/085

CIC Order No : CIC/SM/A/2011/000983/SG

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal imposed a penalty of Rs 25,000/- on the CPIO Mr B.N Bhatia for not providing the information to the appellant as per the order of the FAA observing,

“ As per the provisions of Section 20(1) of the RTI Act 2005, the Commission finds this a fit case for levying penalty on Mr B.N Bhatia, the then CPIO, Agra presently AGM, Parliament Street Branch, New Delhi. Since the delay in providing the information has been over 100 days, the Commission is passing an order penalizing Mr. B.N. Bhatia Rs 25,000/- which is the maximum penalty under the Act”.

Writ Petition No : 403/2012, Delhi High Court.

Issue :

Whether the Commission was right in imposing penalty of Rs 25,000/- on the CPIO in the facts of the case.

Brief of Court Order :

Court while deciding the petition modified the order of the CIC by reducing the amount of penalty from the period between 13.08.2010 and 14.10.2010.

Status : Disposed of on 08.05.2013.

CIC/Legal/2011/019

CIC Order No : CIC/LS/A/2010/000546

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC in view of the Supreme Court of India Order in Dev Dutt case directed the public authority to provide the requisite information to the appellant within 04 weeks time while observing,

“It is to be noted that the supreme court of India in Dev Dutt case has ordered that copies of the ACRs are to be provided to all the employees except military personnel. The appellant herein, admittedly, is not a military personnel. Hence, the requested information is disclosable as per the Supreme Court order. As to the question of applicability of the Supreme Court order, Col N.K.P Kumar submits that they are willing to disclose the information prospectively as per DoPT Circular dated 14.05.2009 but the appellant is seeking information retrospectively. It is clarified that regardless of DoPT Circular, that Supreme Court order will apply retrospectively”

Writ Petition No : 8089/2010, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose information to the appellant in the facts of the case.

Brief of Court Order :

Court dismissed the petition while observing,

“Since the petitioner has taken the stated that the petitioner has, without prejudice to its rights and contentions, in any case complied with the order passed by the CIC, this petition does not survive. The issue as to whether or not the petitioner is covered under the RTI Act by virtue of Section 24 with item 21 of the Second Schedule, is left open to be decided in an appropriate case”.

Status : Disposed of on 08.12.2011.

CIC/Legal/2011/023

CIC Order No : CIC/SG/A/20101/000731

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information to the appellant while issuing show cause notice against the PIO and directed the PIO to give reasons to the Commission to show why penalty should not be levied on him while observing,

“It appears to the Commission that false information has been given knowingly by the then PIO Dr. T.K.Ghosal, IIT Kharagpur has asked Fox Mandal & Associates to represent it in this case and the three respondents who have come are clueless as to why false information has been provided.

The Commission directs Additional Superintendent of Police, Kharagpur to ensure that proper security is provided to the appellant Prof. Rajeev after making an assessment of the threats that Prof. Rajeev Kumar states he has been receiving. If any physical harm comes to Prof. Rajeev Kumar the police will be held responsible for not having performed the duty.

The Commission also requests the Chairman, Board of Governors, IIT Khargpur to inquire into the allegations made by Prof. Rajeev Kumar and take appropriate action if required”.

Writ Petition No : 3582/2011, Calcutta High Court.

Issue :

Whether the Commission was having jurisdiction to direct Additional Superintendent of Police, Kharagpur to ensure that proper security is provided to the appellant Prof. Rajeev after making an assessment of the threats.

Brief of Court Order :

Court while deciding the petition directed the IIT, Kharagpur to give inspection of the relevant file(s) containing all documents, records, correspondence, communication etc. relating to Joint Entrance Examination, 2006 to the respondent no.3, except those which have already been supplied to the respondent no.3 or those in respect whereof exception could be claimed under section 8 of the RTI Act. It was also directed that if in respect of any particular document exception is claimed, the respondent no.3 shall be duly informed of such decision but the same must have the support of reasons.

However, court set aside the direction of the Commission to the Addl. Superintendent of Police to ensure that proper security is provided to the appellant Prof. Rajeev after making an assessment of the threats. the court had held that the said direction was issued without jurisdiction and the Act does not empower the Commission to act in the manner it has acted.

Status : Disposed of on 18.07.2012.

CIC/Legal/2011/071

CIC Order No : CIC/SG/A/2011/000863

Operative Section : Section 7(1), 7(6) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal imposed penalty of Rs 25,000/- on the PIO for refusal to provide the information while observing,

Since the PIO has refused to provide the information without any reasonable cause and the delay is much more than 100 days, the Commission is imposing the maximum penalty under Section 20(1) of the RTI of `25000/- on Mr. Jai Prakash, PIO & Dy. Director (Vigilance).

It also appears that the PIO has consistently refused to provide the information. Even after the order of the FAA he did not provide the information and despite the order of the Commission he has refused to provide the complete point wise information. Since there has been consistent failure to provide the information the Commission under its powers under Section 20(2) of the RTI Act recommends disciplinary action to be taken against the PIO Mr. Jai Prakash.

Writ Petition No : 6259/2011, Delhi High Court.

Issue :

Whether the Commission was right in imposing penalty on the PIO.

Brief of Court Order :

Court while deciding the petition upheld the order of the Commission whereby penalty was imposed on the PIO while observing,

“this Court is in agreement with the decision of CIC that there was delay in furnishing of information by the petitioner. Paragraphs 2(viii) and 2(ix) of NDMC’s counter affidavit confirm that though the relevant information was available with the petitioner, yet he did not furnish the same to the applicant within the time prescribed. Consequently, the penalty under Section 20(1) on the ground of refusal to provide information within reasonable cause is upheld.

The amount deposited by the petitioner in this Court shall be remitted to NDMC, so that it can be paid to the respondent/applicant as expeditiously as possible. The balance penalty amount shall be deducted from the petitioner’s salary @ 5,000/- per month till the time the balance amount is recovered.

Status : Disposed of on 18.03.2014.

CIC/Legal/2012/118

CIC Order No : CIC/SG/A/2010/003269

Operative Section : Section 7(1) and section 20 of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to give the complete information to the Appellant before January 25, 2011. Commission also issued a show cause notice against the PIO to show cause why penalty should not be levied on her as mandated under section 20(10) of the RTI Act. Commission also observed,

“ If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons on the shpw cause hearing and direct them to appear before the Commission with her”.

Writ Petition No : 528/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the matter observed that since the information has been already supplied to the respondent no. 3 , the matter has become infructuous and CIC has been informed with regard to the same fact, observing

Nevertheless, having regard to the aforesaid circumstances and since, the issue has become academic, the information having been supplied to respondent no. 3 during his lifetime, who I am told has passed away, the writ petition can be disposed of without expressing a view on the issue raised before me. The court is not obliged to decide an issue arising between parties, which has otherwise become academic. (see observations in Yashwant Kumar N. Bhambhani Vs. University of Delhi and Ors., [(2001) 10 SCC 690]. Furthermore, I am of the opinion, no purpose will be served in continuing with penalty proceedings against the PIO, at this stage, having regard to the circumstances set out above.

Status : Disposed of on 16.04.2011.

CIC/Legal/2012/122

CIC Order No : CIC/SG/A/2010/003583/11220

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while dismissing the appeal observed,

“The Appellant had sought information which was voluminous and the PIO had asked the Appellant to deposit Rs 12000/- for the information. After copying all the pages 7693 pages weighs 36 kg was dispatched by the PIO for which Rs 1600/- was incurred. The PIO claims that the appellant did not receive the packet and hence it was returned. If the Appellant does not wish to take the information the Commission is not able to do anything”.

Writ Petition No : 2430/2011, Delhi High Court.

Issue : Not framed.

Brief of Court Order :

Court while disposing the petition observed,

“The Petitioner appears in person and states that the Petitioner is prepared

to go and collect in person the information from the office of the Public Information Officer (?PIO?) of the Municipal Corporation of Delhi (?MCD?). Ms.

Shyel Trehan, learned counsel appearing on advance notice for the MCD states

that if the Petitioner comes to the office of the PIO on 2nd May 2011 at 3.00 pm, the information running into 7693 pages as requested by the Petitioner will be made available to it.

If the Petitioner is still aggrieved by the non-supply of some specific information, it will be open to the Petitioner to draw the attention of the PIO to it, such information, if available, will then be provided to the Petitioner in accordance with the rules and procedures”.

Status : Disposed of on 18.04.2011.

CIC/Legal/2012/123

CIC Order No : CIC/WB/A/2010/000550-AD
Operative Section : Section 7(1) & 20(1) of the RTI Act.
Brief of CIC Order :

CIC while deciding the matter directed the deemed PIO to provide an affidavit to the Commission with a copy to the appellant stating that the then Dy. Proctor, Shri A.A. Khan was not presiding over the said enquiry committee while observing,

“The Commission after hearing the submissions of both sides holds that RTI is not the proper forum to agitate over an issue regarding differences of status of Shri A.A.Khan as given in the minutes of the meeting held on 25.08.09 and the CPIO’s reply dt.15/17.3.10. In any case the proctor Professor H.P.Singh has already affirmed vide his letter dated 23.7.09 and 21.8.09 Dr A.A.Khan will conduct the enquiry along with someone from Pt. DDUIIPH and that the enquiry committee will be chaired by Director Pt. DDUIIPH. The letter dated 21.08.09 enclosed by the proctor clearly states that the Deputy Proctor was present as presiding officer (on other words a participating member). Be that as may, in the interest of the Appellant, the Deemed PIO of the Pt. Deendyal Upadhyay Institute for Physically Handicapped is directed to provide an affidavit to the Commission with a copy to the Appellant stating that the then Dy. Proctor, Shri A.A. Khan was not presiding over the said enquiry committee. The PIO, University of Delhi is directed to forward a copy of the RTI application along with other relevant documents including this order to the PIO Pt. Deendyal Upadhyay Institute for Physically Handicapped. The affidavit should reach the Commission/appellant by 25.4.11 and the Appellant to submit a compliance report by 1.5.11”.

Writ Petition No : 2514/2011, Delhi High Court.

Issue :

Whether the Commission was right in its order or not.

Brief of Court Order :

Court dismissed the petition while observing,

“In the impugned order the CIC has rightly observed that any grievance that the Petitioners may have about the competence of the person who conducted the

enquiry and whether he acted as the Chairman or a member of the enquiry committee can be agitated in other appropriate proceedings. Given the scope of the proceedings under the RTI Act, this issue could not have been examined by theCIC.

Having heard Petitioner No. 1 who appears in person along with PetitionerNos. 2 and 3, and having perused the impugned order of the CIC, this Court does not find any valid ground for interference”.

Status : Disposed of on 21.04.2011.

SECTION 8(1) (a)

CIC/Legal/DEL/2015/089

CIC Order No : CIC/MA/A/2006/00121.

Operative Section : Section 8(1)(a), 8(1)(i)& 18(4) of RTI Act.

Brief of CIC Order :

CIC set aside the orders of the CPIO and the Appellant authority as being not sustainable and directed the CPIO to re-consider the application of the appellant and provide the requested information, unless disclosure of furnishing of such information can be denied under any of the provisions of the Right to Information Act.

Writ Petition No : 13090/2006, Delhi High Court.

Issue :

Whether Commission's order is contrary to provision of Article 74(2) of the Constitution of India.

Brief of Court Order:

Court while allowing the petition set aside the order passed by the Central Information Commission in appeal no CCI/MA/A/2006/00121 and observed,

“ the application of the respondent No. 2 under Section 6 of the Right to Information Act, 2005 dated 7th November, 2005 is also dismissed, holding that the respondent No.2 is not entitled for the correspondence sought by him which was exchanged between the President and the Prime Minister relating to the Gujarat riots”.

Status : Disposed of on 11.07.2012

CIC/Legal/2015/101

CIC Order No : CIC/WB/S/2006/00121

Operative Section : Section 8(1)(a) of RTI Act.

Brief of CIC Order :

CIC observed,

“Commission after careful consideration has , therefore, decided to call for the correspondence in question and will examine as to whether its disclosure will serve or harm the public interest. After examining the documents the Commission will first consider whether it would be in public interest to order disclosure or not, and only then it will issue appropriate directions to the public authority.

Accordingly we direct the public authority to produce the impugned documents for our perusal in a sealed cover, at 11.00 A.M. on 22nd August, 2006 through a senior officer, who shall remain present during perusal and who will thereafter take back after sealing the same in our presence”.

Writ Petition No : 4364/2010, Delhi High Court

Issue :

Whether the communications exchanged between President and Prime Minister fall under Article 74 of the Constitution and are, therefore immune from disclosure under the RTI Act, 2005.

Brief of Court Order:

Court while allowing the writ petition set aside the order of the CIC and observed,

“The application of the respondent no. 2 under section 6 of the Right to Information Act, 2005 dated 7th November, 2005 is also dismissed, holding that the respondent No.2 is not entitled for the correspondence sought by him which was exchanged between the President and the Prime Minister relating to the Gujarat riots”.

Status : Disposed of on 10.02.2014.

CIC/Legal/2014/091

CIC Order No : CIC/AD/A/2009/000778
Operative Section : Section 8(1)(a) & (f) of RTI Act.
Brief of CIC Order :

Commission while allowing the appeal directed the CPIO to provide the information as sought by the appellant while observing,

“Considering that the Indian Government is itself trying to propagate a transparent disclosure of information and also in view of the fact that the issue at hand is not merely the concern of an individual but one which involves national interest there can be no doubt that public interest is paramount in this case. More so in the facts and circumstances of the case there can be no doubt that the Swiss Courts are seeking cooperation from their Indian counterparts in nailing the wrongdoers. The Commission, therefore, is unable to accept or agree with the contention of the Public Authority that disclosure of the information can in any way adversely affect the national sovereignty, security or integrity because national interest demands that all available information in this regard be disclosed and the perpetrators of such offences be traced and appropriate action be taken against them. No harm can befall in sharing information of this nature which involves the interest of the public at large, more so when the Appellant herein is already a party (witness) in the criminal investigation pending at the Swiss Courts. In fact non disclosure and/or inaction on the part of the authorities concerned will be seen in a poor light not only at the national but also at the international level in as much as it will be almost be assumed to be an attempt to shield the guilty. Hence, it is the considered opinion of the Commission that complete information as sought by the Appellant being of paramount public interest must be shared and disclosed forthwith”.

Writ petition No : 2822/2014, Delhi High Court.

Issue :
Whether the Commission was right in directing the CPIO to disclose the information in the facts of the case.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission dated 01.12.2009, directing disclosure of the information to the appellant.

Status : Disposed of on 01.04.2016.

CIC/Legal/2014/091

CIC Order No : CIC/AD/A/2009/000778
Operative Section : Section 8(1)(a) & (f) of RTI Act.
Brief of CIC Order :

Commission while allowing the appeal directed the CPIO to provide the information as sought by the appellant while observing,

“Considering that the Indian Government is itself trying to propagate a transparent disclosure of information and also in view of the fact that the issue at hand is not merely the concern of an individual but one which involves national interest there can be no doubt that public interest is paramount in this case. More so in the facts and circumstances of the case there can be no doubt that the Swiss Courts are seeking cooperation from their Indian counterparts in nailing the wrongdoers. The Commission, therefore, is unable to accept or agree with the contention of the Public Authority that disclosure of the information can in any way adversely affect the national sovereignty, security or integrity because national interest demands that all available information in this regard be disclosed and the perpetrators of such offences be traced and appropriate action be taken against them. No harm can befall in sharing information of this nature which involves the interest of the public at large, more so when the Appellant herein is already a party (witness) in the criminal investigation pending at the Swiss Courts. In fact non disclosure and/or inaction on the part of the authorities concerned will be seen in a poor light not only at the national but also at the international level in as much as it will be almost be assumed to be an attempt to shield the guilty. Hence, it is the considered opinion of the Commission that complete information as sought by the Appellant being of paramount public interest must be shared and disclosed forthwith”

Writ petition No : 2822/2014, Delhi High Court.
Issue :

Whether the Commission was right in directing the CPIO to disclose the information in the facts of the case.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission dated 01.12.2009, directing disclosure of the information to the appellant.

Status : Disposed of on 01.04.2016.

CIC/Legal/2011/002

CIC Order No : CIC/SM/A/2010/000734

Operative Section : Section 8(1) (a), (d) & (e) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the CPIO to provide to the appellant the photocopies of the advisory notes issued by the RBI to the ICICI Bank during the preceding two years for the violation of any RBI guidelines or for contravention of the provisions of the FEMA and the PMLA. CPIO was also directed to provide the details of the banks which had been found to have committed any violation of the provisions of the laws including the penalty, if any, imposed in each case during the same period of the preceding two years.

Writ Petition No : 2/2011, Bombay High Court.

Issue :

Whether the Commission was right in ordering CPIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition set aside the order of the Commission and remanded the matter back to the Commission while observing,

“Since no notice was given to the third party as contemplated under Section 19(4) of the Act, we deem it proper to remit the matter back to the CIC with a direction to take a fresh decision. The fresh decision may be taken after hearing the petitioner, respondent No.1 as well as the Reserve Bank of India. If any party wants to place on record any further material, the same can be placed before the CIC. The appropriate decision may be taken expeditiously within three months from today”.

Status : Disposed of on 23.03.2011.

CIC/Legal/2012/060

CIC Order No: CIC/WB/A/2008/01330

Operative Section: Section 8(1) (a) & (h) of the RTI Act.

Brief of CIC Order :

CIC while deciding the matter set aside the decision of the Appellate Authority and remanded the matter back to AA for determination while observing,

Let us reiterate at this stage our conclusion that the only viable grounds found by us on the basis of which the information sought can be exempted from disclosure is u/s 8(1) (c). To take recourse to such exemption, however, it has to be determined whether in fact a conscious decision was taken not to disclose the complete Phukan Commission report by the Home Ministry with the acquiescence of Parliament. The Ministry of Home Affairs has not been able to produce convincing evidence that such a recourse was taken. On the other hand, the third party, who is Speaker of the Lok Sabha has not been heard in the present case and would be the only authority in holding documentation to establish that such information had been exempted from being submitted to Parliament on any ground. The decision of Appellate Authority Shri Bimal Julka, Jt. Secretary, Govt. of India of 14.3.08 is, therefore, set aside and this appeal remanded to him to seek the advice of the Office of Speaker, Lok Sabha to determine whether any such conscious decision was indeed taken and if not, to provide to appellant Shri George Fernandes the complete information sought within twenty working days of the date of receipt of this Decision Notice.

Writ Petition No : 5124/2011, Delhi High Court.

Issue : Not framed.

Brief of Court Order :

Court dismissed the petition as withdrawn while setting aside the order of the Commission. Court observed,

“The senior counsel for the respondent under instructions states that the respondent being unwell and unable to pursue the proceedings is not interested in pursuing the proceedings before the Central Information Commission (CIC). It is further stated that the respondent withdraws the original application seeking information and against the direction for supply whereof the present petition has been filed.

In view of the statement aforesaid, the order dated 23rd November, 2009 of the CIC impugned in this petition is set aside/quashed and the appeal preferred by the respondent before the CIC as well as the application for information are dismissed as withdrawn.

Status : Disposed of on 14.09.2011

CIC/Legal/2012/092

CIC Order No : CIC/SG/A/2011/002033

Operative Section : Section 8(1) (a)& 8(1) (e) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information as per records to the Appellant in relation to query 1 before 30 November 2011. Commission observed,

The RBI is a regulatory authority which is responsible for inter alia monitoring subordinate banks and institutions. Needless to state significant amounts of public funds are kept with such banks and institutions. Therefore, it is only logical that the public has a right to know about the functioning and working of such entities including any lapses in regulatory compliances. Merely because disclosure of such information may adversely affect public confidence in defaulting institutions, cannot be a reason for denial of information under the RTI Act. If there are certain irregularities in the working and functioning of such banks and institutions, the citizens certainly have a right to know about the same. The best check on arbitrariness, mistakes and corruption is transparency, which allows thousands of citizens to act as monitors of public interest. There must be transparency as regards such organisations so that citizens can make an informed choice about them. In view of the same, this Bench is of the considered opinion that even if the information sought was exempted under Section 8(1)(a) or (e) of the RTI Act,-as stated by the Respondent,- Section 8(2) of the RTI Act would mandate disclosure of the information. The Full bench had also concluded that there was a public interest in disclosure and I concur with its finding.

Writ Petition No : 8409/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while having regard to the fact that several other petitions having been transferred to the Supreme Court owing to the legal question by which the outcome of the present petition would also be determined disposed the petition by directing that the outcome thereof would be governed by the judgement pronounced by the Supreme Court and continued the interim orders in force till then and also granted liberty to the parties to apply to this Court for revival of these petitions if after the judgement of the Supreme Court feel any need there for.

Status : Disposed of on 15.12.2015.

CIC/Legal/2012/112

CIC Order No : CIC/D/A/2011/0002000
Operative Section : Section 8(1) (a) of the RTI Act.
Brief of CIC Order :

CIC while dismissing the appeal upheld the order of the CPIO and the First Appellate Authority, finding no reason to interfere with the earlier decision of the Commission. CIC observed,

“Commission has heard the arguments preferred by both the parties. We also made independent enquiry vide which we are informed that following the computerization of filing of taxes by assessee, the data is available with DG systems and he is also privy to the Guidelines for Scrutiny which are issued on annual basis. These Guidelines are applied by DG Systems, centrally for all India who through CAS system this is computerized system for selection of cases for scrutiny selects cases without human intervention and passes an orders to the concerned assessing officers to proceed further in the matter. This is done in addition to the action taken directly by the Assessing Officer for taking cases for scrutiny as per the Guidelines, after obtaining sanction from the competent authority. It is also brought to the attention of the Commission that the current year’s guidelines for scrutiny are applicable for those returns that are already filed and would also cover those returns which will be filed during the balance period till the issuance of fresh Guidelines. Therefore, for the above reasons, the Commission upholds the order of the CPIO and First Appellate Authority and sees no reason to interfere with earlier decision of the Commission”.

Writ Petition No : 6773/2011, Delhi High Court.

Issue :

Whether the Commission was right in upholding the order of the CPIO and First Appellate Authority.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission and directed the respondents to supply the relevant scrutiny guidelines to the petitioner for the financial year 2009-10. Also, the respondents were directed to

upload the guidelines with regard to scrutiny on their website while making following observation,

“The expression, economic interest, thus takes within its sweep matters which operate at a macro level and not at an individual, i.e., micro level. In my view, by no stretch of imagination can scrutiny guidelines impact economic interest of the country. These guidelines are issued to prevent harassment to assessees generally. It is not as if, de hors the scrutiny guidelines, the I.T. Department cannot take up a case for scrutiny, if otherwise, invested with jurisdiction, in that behalf. This is an information which has always been in public realm, and therefore, there is no reason, why the respondents should keep it away from the public at large. Thus, in my opinion, provisions of Section 8(1)(a) of the RTI Act would have no applicability in the instant case.

In so far as the impugned order is concerned, there is nothing stated in the operative part which would seem to indicate that the CIC has come to the conclusion which it has, is based on the fact that, the economic interest of the country, will get effected. The CIC, in the operative part has merely recorded what has been conveyed to it vis-a-vis the procedure for selection of cases for scrutiny”.

Status : Disposed of on 02.04.2013.

SECTION 8(1)(d)

CIC/Legal/2014/011

CIC Order No : CIC/SM/A/2012/000441.

Operative Section : Section 8(1)(d) of RTI Act.

Brief of CIC Order :

Commission while disposing the appeal directed the CPIO, UPSC to provide the certified copies of the evaluated answer sheet of the Hindi paper as well as inform the appellant as to cut off/qualifying marks both for the Hindi and English test papers taken by the respondent as a part of the Civil Service Main Examination, 2010.

Writ petition No : 880/2014.

Issue :

Whether the CIC was right in allowing disclosure of information.

Brief of Court Order :

Court while disposing the petition upheld the order of the Commission while observing,

“the purpose of providing a cut off/qualifying marks is to set the required standard and to ensure that only those candidates that clear the threshold, are selected. The theory of raising the competitive standards keeping the same a secret as is canvassed by the petitioner can, most charitably, be described as incomprehensible”.

Status : Disposed of on 14.08.2014

CIC/Legal/2014/054

CIC Order No : CIC/VS/A/2012/000385.

Operative Section : Section 8(1)(d) & (j) of RTI Act.

Brief of CIC Order :

Commission disposed of the appeal while upholding the order of the first appellate authority observing,

“The bank’s action is as per law on the grounds of fiduciary and third party nature of information”.

Writ petition No : 5394/2013, Madhya Pradesh High Court.

Issue :

Whether the Commission was right in upholding the order of FAA.

Brief of Court Order :

Court while dismissing the petition upheld the order of the Commission observing,

“Petitioner is unable to show that the information desired has any relation with public activity or interest. In absence thereof, no fault can be found in the impugned orders”.

Status : Disposed of on 28.07.2014.

CIC/Legal/2014/058

CIC Order No : CIC/SM/A/20101/001573/SG.

Operative Section : Section 8(1)(d) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the PIO to provide the information sought by the appellant.

Writ petition No : 8328/2011, Bombay High Court.

Issue :

Whether the Commission was right in directing the PIO to disclose the information to the appellant.

Brief of Court Order :

Court dismissed the petition observing that there is no need to interfere in the order under challenge.

L.P.A No : 128/2013

Brief of Division Bench Order:

Court dismissed the appeal observing that the approach of the learned single Judge was reasonable, sound and in tune with the purport of legislation.

Status : Disposed of on 15.12.2015.

CIC/Legal/2013/001

CIC Order No : CIC/SM/A/2012/000893

Operative Section : Section 8(1)(d) & (j) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the CPIO to provide to the appellant desired information except information at queries 4 and 6. Commission observed,

“ After carefully considering the facts of the case, we are of the view that not all the information sought by the Appellant could be classified as commercial confidence. Except for the information sought in query number four and six, the remaining information cannot be classified as commercial confidence and , therefore must be disclosed”

Writ petition No : 1654/2013, Bombay High Court

Issue :

Whether the Commission was right in ordering disclosure of information to the appellant.

Brief of Court Order :

Court while disposing of the appeal observed,

“We are of the view that the petitioner’s grievance has no substance. Once the matter is seen in the above perspective and in the light of the object and purposes of Right to Information Act, then all the more we cannot agree with the petitioner’s Counsel. No business information or commercial aspect of the dealings involved in the present case ought to remain in confidence. Once the exemption in that behalf is also not absolute, then, we do not feel the impugned order suffers from any error of law apparent on the face of the record or perversity requiring our intervention in the writ jurisdiction.

The impugned order has been passed on 20.12.2012. The period provided by the Act to part with the information has expired long time back. There has been no ad-interim order till 21.1.2013. In the circumstances, we do not think that the information which was sought way back in the year 2012 can be withheld and more so, when we have found no substance in the Writ Petition. In such circumstances, we reject the request”.

Status : Disposed of on 29.06.2015.

CIC/Legal/2012/027

CIC Order No : CIC/SM/A/2010/0015731/SG

Operative Section : Section 8(1) (d) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information to the appellant on query 1,2 & 3 .while observing,

“the information regarding the amount of money spent by the Bank in legal cases against M/s Herald Engineers cannot qualify for being commercial confidence, trade secrets or intellectual property. In view of this the claim for exemption is not accepted by the Commission. If information is not exempt under section 8(1) of the RTI Act it has to be provided”

Writ Petition No : 8328/2011, Bombay High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“The order passed by the Information Officer dated 12th September 2011 read in its entirety would reveal that the Commissioner has not directed anything, which would cause a breach or violation of the secrecy or confidentiality agreement or clause of such nature in any agreement with the borrower. In these circumstances, to my mind, the apprehension that the order passed by the Information Commissioner and impugned in this writ petition will be misused, has no basis”.

Status : Disposed of on 13.09.2012.

CIC/Legal/2012/019

CIC Order No : CIC/SG/A/2011/000846

Operative Section : Section , 8(1)(d) & 19(8)(a)(iii) of the RTI Act.

Brief of CIC Order :

CIC while allowing the complaint directed the PIO to provide the information on two points and also directed to ensure that the information as sought are displayed on the website of the Ministry before 30 January 2012 and the information is updated atleast every month. Commission also issued a show cause notice to the PIO to show cause why penalty should not be levied against him.

Writ Petition No : 459/2012, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellatant .

Brief of Court Order :

Court while allowing the petition set aside the Order of the Commission and remanded the matter back to CIC for fresh consideration and pass a reasoned order and directed the querist to return the entire information received by him in terms of the impugned order of the CIC to the PIO without retaining any copy thereof. Court observed,

“A perusal of the impugned order shows that no reasons whatsoever have been recorded while directing disclosure of the information sought by the querist. The defence of the PIO that the information could not be provided as it could be hit by Section 8(1)(d) has no been addressed at all. Even though information sought in category C queries was specifically in relation to the petitioner, the petitioner was not noticed.

The argument of the querist, that the reasoning adopted by the CIC is that the information should be made available by the public authority suo moto under section 4 of the Act is not correct. A perusal of the relevant paragraph of the impugned order shows that CIC has merely recorded the submission of the querist founded on section 4 of the Act. There is no finding returned by the CIC, based on any discussion, that the information sought by the querist indeed is liable to be disclosable under section 4 of the Act.

Status : Disposed of on 08.05.2012.

CIC/Legal/2012/075

CIC Order No : CIC/ASM/A/2012/000198, 1020, 1062 &1127

Operative Section : Section 8(1) d,h,e,g & j of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the photocopies of the relevant file noting and other available documents leading to the issue of the circular dated 20 April 2007 laying down the guidelines for consent orders and for composition of offences.

Writ Petition No : 7248/2012,Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition set aside the order of the Commission and remanded the matter back to CIC and also directed CIC to issue fresh notice to the petitioners, grant a hearing to the petitioners and respondents as well.

Status : Disposed of on 30.01.2013.

CIC/Legal/2011/034

CIC Order No : CIC/AT/A/2008/00567
Operative Section : Section 8(1) (d) (e) of the RTI Act.
Brief of CIC Order :

CIC while allowing the appeal partially observed,

Query No.1: *Educational qualification of the Examiners and Moderators with subject-wise classifications.*

I see no reason why this information should not be disclosed to the appellant, especially because respondents can so configure the information that names of the examiners, moderators, etc. may be withheld, but the educational qualifications against each can be disclosed marking each entry with some general identification marks such as A, B, etc.

Query No.2: *Procedure established for evaluation of exam papers.*

I am disinclined to issue a direction which will have the result of pulling down the entire structure of the system simply because one or more examinees have a vague feeling that the established process of evaluation of the papers is faulty.

The disclosure of this information cannot be authorized.

Query No.3: *Instructions issued to the examiners, and moderators oral as well as written if any.*

This request of the appellant cannot be complied with without seriously and perhaps irretrievably compromising the entire examination process. An instruction issued by a public authority – in this case the examination conducting authority – to its examiners is strictly confidential. There is an implied contract of trust between the examiners and the examination-conducting public authority. It would be inappropriate to disclose this information. This item of information too, like the previous one, attracts Section 8(1)(d) being the intellectual property of the public authority having being developed through careful empirical and intellectual study and analysis over the years. I, therefore, hold that this item of query attracts exemption under Section 8(1)(e) as well as Section 8(1)(d) of the RTI Act.

Query No.4: *Procedure established for selection of examiners and moderators.*

What I could understand from what the appellant has sought through this query is that he wishes to know if there are some detailed guidelines which the respondents follow in the matter of selecting examiners and moderators. What respondents have given to the appellant is an explanatory note about how these examiners and moderators are selected. It would be only just and proper if appellant is clearly informed whether certain guidelines and instructions exist about such selections and if so, these should be provided to the appellant. This may be done within three weeks of the receipt of this order.

Query No.5: *Model answers if any given to the examiners and moderators, if any.*

Respondents have explained that what they provide to the examiners is “solutions” and not “model answers” as assumed by the appellant. For the aid of the students and examinees, “suggested answers” to the questions in an exam are brought out and sold in the market.

It would be wholly inappropriate to provide to the students the solutions given to the questions only for the exclusive use of the examiners and moderators. Given the confidentiality of interaction between the public authority holding the examination and the examiners, the “solutions” qualifies to be items barred by Section 8(1)(e) of the RTI Act. This item of information also attracts Section 8(1)(d) being the exclusive intellectual property of the public authority.

Respondents have rightly advised the appellant to secure the “suggested answers” to the questions from the open market, where these are available for sale.

Query No.7: *Number of students appearing for exams at all levels in the last 2 years*

Query No.9: *From the number of students that failed in the last 2 years from the above, how many students opted for verification of marks as per regulation 38.*

Query No.10: *Procedure adopted at the time of verification of marks as above.*

The information for the month of October, 2007 may be provided to the appellant within three weeks of the receipt of this order. Respondents are willing to do so.

Query No.8: *Number of students that passed at the 1st attempt from the above.*

Insofar as this information is acknowledgedly not maintained by the respondents, there is no obligation cast on them to supply it to the appellant. Compiling this data will be a drain on the public authority's resources and will attract Section 7(9) of the Act.

Query No.10: *Procedure adopted at the time of verification of marks as above.*

It is noted that rather than provide to the appellant the existing instructions / orders, etc. respondents have attempted to explain to him the procedures. In fact, it is this explanation which is creating complications about communication of information relative to the appellant's queries.

It is directed that respondents will provide to the appellant the existing orders / instructions as may be held by the respondents citing therein the precise source from which such instructions / orders were derived. This will be done within three weeks of the receipt of this order.

Query No.12: *Educational qualifications of the persons performing their verification of marks under Regulation 38 and remuneration paid to them.*

Respondents will provide to the appellant within three weeks of the receipt of this order the exact instructions regarding the educational qualifications of such persons as held by the respondents. In case, no such instructions exist or if the system is built upon conventions, a suitable reply should be given to the appellant.

Query No.13: *Number of times that the Council has revised the marks of any candidate, or any class of candidates, in accordance with Regulation 39(2) of the Chartered Accountants Regulation, 1988, the criteria used for such discretion, the quantum of such revision, the authority that decides such discretion, and the number of students along with the quantum of revision affected by such revision in the last five exams held at all levels (i.e. PE-1/PE-2/PCC/CPE/Final with break-up)*

I find no infirmity in the reply furnished to the appellant by the respondents. It is a categorical statement and must be accepted as such.

Appellant seems to have certain presumptions and assumptions about what these replies should be. Respondents are not obliged to cater to that.

It is, therefore, held that there shall be no further disclosure of information as regards this item of query.

Writ Petition No : 8932/2011, Delhi High Court.

Issue :

Whether the Commission was right in its decision with regard to query 3, 5 & 13 in the facts of the case.

Brief of Court Order :

Court while deciding the petition set aside the decision of the Commission with regard to query 13, 3 and 5. Court observed,

The principal defence of the Respondent no.2 is that the information is confidential. Till the result of the examination is declared, the information sought by the petitioner has to be treated as confidential, but once the result is declared, in our opinion, that information cannot be treated as confidential

With regard to query 13:

“The petitioner basically wanted to know as to how the power under Regulation 39(2) has been exercised by the council from time to time. Obviously, therefore, nothing can be said to be confidential about it. It is clear from what is observed above that the order of both the Authorities suffers from non-application of mind and is, therefore, liable to be set aside”.

With regard to query 3:

“According to Central Information Commission the respondent no.2 has claimed that this information is confidential. The Appellate Authority has relied on section 8(1)(d) to claim that it involves intellectual property right of the public authority. That was never the claim of the Respondent no.2. In our opinion, the order of the Appellate Authority on query no.3 also suffers from non-application of mind. That the information is confidential, therefore, unless the petitioner shows that its disclosure is in public interest it cannot be divulged, was never that case of the respondent no. 2 , as was tried to be argued before us. In our opinion, therefore, the order made in relation to query No.3 has to be set aside for this reason”.

With regard to query 5:

“According to the Central Information Commission the solutions which have been supplied by the Board to the examiners are given in confidence and therefore, they are entitled to protection under section 8(1) (e) of the RTI Act. Section 8(1) (e) does not protect confidential information and the

claim of intellectual property has not made by the respondent no 2 anywhere. In the reply it is suggested that the suggested answers are published and sold in open market by the Board. Therefore, there can be no confidentiality about suggested answers. It is nowhere explained what is the difference between the suggested answers and the solutions. In our opinion, the orders of both authorities in this respect also suffer from non-application of mind and therefore they are liable to be set aside”.

S.L.A No : 2040/2011, Supreme Court.

Brief of Supreme Court Order:

Supreme Court while deciding the matter set aside the order of the High Court and restored the CIC’s order subject to one modification in regard to query 13: ICAI to disclose to the first respondent, the standard criteria, if any, relating to moderation, employed by it, for the purpose of making revisions under Regulation 39(2) while observing,

“We however agree that it is necessary to make a distinction in regard to information intended to bring transparency, to improve accountability and to reduce corruption, falling under section 4(1) (b) and (C) and other information which may not have a bearing on accountability or reducing corruption. The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources”.

Status : Disposed of on 02.09.2011

CIC/Legal/2012/086

CIC Order No : CIC/WB/A/2011/000270/SG
Operative Section : Section 8(1) (d) & (e) of the RTI Act.
Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information as sought by the appellant in query nos. 2,3 and 5 as per available records. Further as regards query no.4 the PIO is directed to furnish a copy of the two communications sent on 20.04.2010 to the Appellant while observing,

“ In view of the aforesaid functions, it is apparent that UPSC is not a commercial organization, which competes with other organizations. It is a Constitutional body primarily set up for the purpose of recruiting persons for Government posts. Moreover, the expenses of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of its members or staff, is charged on the Consolidated Fund of India or, as the case may be, the Consolidated Fund of the State. The Appellant, in query no. 2, has sought information regarding minutes of the Selection Committee constituted for a certain interview along with subsequent file notings. In order to claim the exemption under Section 8(1)(d) of the RTI Act, the PIO must establish that the information sought must relate to commercial or trade secrets, intellectual property or similar information. If the information sought satisfies this condition, then the PIO must establish that disclosure of this information would result in harming the competitive position.

In the present matter, names, designation and address of the members of the Selection Committee is not held by UPSC in a fiduciary capacity. UPSC does not appear to be holding a position of trust in relation to the members of the Selection Committee thereby requiring it to act for the benefit of the latter. Merely because the participation of the members of the Selection Committee is expected to be kept confidential does not mean that a fiduciary relationship is created between UPSC and the members of the Selection Committee. In the functioning of the Government, there may be various instances where certain documents, records, procedures, etc have been treated as confidential and at times, explicitly so provided. However, with the advent of the RTI Act, such information has to be provided subject only to the exemptions of the RTI Act viz. Sections 8 and 9. The criteria defining a fiduciary relationship, as described above, must be satisfied which does not appear to have been done in the present matter. Therefore, the decision of the Commission in Appeal No. CIC/WB/A/2009/000734 is not relevant to the instant case”.

Writ Petition No : 7431/2011, Delhi High Court.

Issue :

Whether disclosure of personal information of the interviewers of the UPSC selection committee falls within the purview of exceptions provided under Section 8 of the RTI Act.

Brief of Court Order :

Court while allowing the petition partly set aside the order of the Commission with regard to query no. 5 while observing,

“I am of the view that just like a fiduciary relationship is established between candidates appearing for exams who give their personal details to the examinee authority, a fiduciary relationship is also established between the examinee authority and an examiner/interviewer who expects his name and other particulars would not be disclosed to candidates and general public. Therefore, disclosure of personal details of an interviewer given in fiduciary capacity to UPSC would be violative of the provisions of Section 8(1) (e) of the RTI Act, especially so, as I have already observed that the respondent has failed to prove any larger public interest which would warrant such a disclosure. The object of transparency would be met if the request is for the disclosure of results. However, I am unable to establish what purpose disclosure of personal details of the members of the Selection Committee would serve in order to facilitate such transparency.

Without prejudicing the aforementioned observations, this court is further of the view that disclosure of such information is mainly violative of Section 8(1) (g) of the RTI Act. The Apex Court in „Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi & Anr.’ 2012 (12) SCALE 525 while giving due consideration to the confidentiality of the names of the interviewers was of the view that:

The disclosure of names and addresses of the members of the Interview Board would ex facie endanger their lives or physical safety. The possibility of a failed candidate attempting to take revenge from such persons cannot be ruled out. On the one hand, it is likely to expose the members of the Interview Board to harm and, on the other, such disclosure would serve no fruitful much less any public purpose. Furthermore, the view of the High Court in the judgment under appeal that element of bias can be traced and would be crystallized only if the

names and addresses of the examiners/interviewers are furnished is without any substance. The element of bias can hardly be correlated with the disclosure of the names and addresses of the interviewers. Bias is not a ground which can be considered for or against a party making an application to which exemption under Section 8 is pleaded as a defence....”

In view of the dictum of the Apex Court in ‘Bihar Public Service Commission’ (supra) this court is conscious of the fact that the disclosure of such information may endanger the physical safety of an examiner/interviewer who under an apprehension of danger to his life may not be able to effectively discharge his duties. Further, such a disclosure could seriously affect the secrecy and confidentiality of the selection process”

Status : Disposed of on 17.03.2015.

SECTION 8(1) (e)

CIC/Legal/BOM/2016/026

CIC Order No. : CIC/DS/A/2013/001491/MP

Operative Section : Section 8(1)(e), (j) of RTI Act.

Brief of CIC Order :

CIC declined the disclosure of information (i.e certified copies of the Trust Deed) sought by petitioner under section 8(1)(e) & (j) of RTI Act.

Writ Petition No. : 654/2015, Bombay High Court.

Issue:

Whether denial of information was justified on the facts and circumstances of the case.

Brief of Court Order:

Court set aside the CIC's order inter alia observing that the petitioner cannot be treated as third party in view of the fact that he was a member of the Trust.

Status : Disposed of on 19/01/2016.

CIC/Legal/2012/121

CIC Order No : CIC/SM/A/2010/001610/SG/14604
Operative Section : Section 8(1) (d), (e) &(j) of the RTI Act.
Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide complete information as per records to the appellant before 10 october 2011 while observing,

“ In the present matter, detail regarding shareholders of an entity may be 'personal' information to the extent it relates to an individual shareholder only. It is also likely that such information may have been given to the Respondent- public authority during the course of a public activity. However, disclosure of shareholding details of UWB cannot be considered as an unwarranted invasion on the privacy of individual shareholders. This Bench is aware of the fact that shareholding details as well as other information about an entity can be accessed on the RoC website. Given the fact that such information is already in public domain, disclosure of the same by the Respondent- public authority cannot be considered as an unwarranted invasion on the privacy of individual shareholders. Moreover, where the information sought is already available in public domain, this Bench is unable to see the applicability of Sections 8(1)(d) and (e) of the RTI Act as well. In view of the foregoing, the contentions of the PIO that the information sought was exempt from disclosure under Sections 8(1)(d), (e) and (j) of the RTI Act is rejected”.

Writ Petition No : 8310/2011, Bombay High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court disposed of the matter having regard to the submission made by the petitioner that they will provide the information which was sought in the original RTI application while observing,

“Counsel for the respondent no.2 does not dispute that the information sought is as referred to hereinabove and the petitioners are required to supply the same only”.

Status : Disposed of on 10.10.2011

CIC/Legal/DEL/2016/033

CIC Order No. : CIC/KY/A/2015/900617 & CIC/KY/A/2015/000643

Operative Section : Section 8(1)(e), (g) & (h) of RTI Act.

Brief of CIC Order :

CIC in appeal no. CIC/KY/A/2015/900617 dismissed the petitioner's appeal holding that the information asked was exempt from disclosure under section 8(1)(e),(g) and(h) of the RTI Act, 2005.

CIC in appeal no. CIC/KY/A/2015/000643 directed the respondent no. 2 to provide the minutes of meeting, without mentioning the names, in selection committee Report dated 13 february, 2014 to the petitioners in accordance with her RTI application within 30 days.

Writ Petition No. : 11615/2015, Delhi High Court.

Issue :

Whether CIC was right in denying information under RTI Act or not.

Brief of Court Order:

The Court dismissed the writ petition, with following observation,

“Petitioner is given liberty to file proceedings under RTI Act for alleged breach of the order dated 7th august, 2015.

Status : Disposed of on 21.01.2016.

CIC/Legal/Del/2015/054

CIC Order No : CIC/SM/A/2013/000218

Operative Section : Section 8(1)(e) & (j) of RTI Act.

Brief of CIC Order :

CIC directed the CPIO to provide the copy of the documents duly attested with his signature and seal and observed,

“This has been a consistent view with the CIC that in any selection process, all the details of the successful candidates must be disclosed as also the details of the applicant himself if he happens to be one of the candidates considered by the Selection Committee irrespective of his selection or not. In other words, while disclosing the details of any Selection Committee proceedings, the public authority must ensure that the information relating to the recommended/successful candidates should be placed in the public domain”.

Writ Petition No : 6086/2013, Delhi High Court.

Issue :

Whether CIC was right in disclosing the information.

Brief of Court Order:

Court while allowing the petition set aside the order of the CIC, in so far as it relates to disclosure of “Bio Data of candidates recommended by the Selection Committee for deputation” is concerned while observing,

“The impugned order does not indicate that disclosure of this information was vital in larger public interest. Further, it does not appear that the CIC had issued any notice under Section 19(4) of the RTI Act to other candidates before directing the disclosure of the information”.

Status : Disposed of on 21.11.2014.

CIC/Legal/2015/113

CIC Order No : CIC/MA/A/2010/000513

Operative Section : Section 8(1)(e) RTI Act.

Brief of CIC Order :

CIC while allowing the disclosure of information observed,

“The CPIO is directed once again to comply the Decision No. 3105/IC(A)/2008 within ten working days from the date of receipt of this decision failing which a maximum penalty of Rs. 25,000/- (Rupees Twenty Five thousand only) would be imposed on him. The information should be furnished free of cost as per Section 7(6) of the Act, and a compliance report should also be submitted at the earliest”.

Writ Petition No : 5839/2010, Delhi High Court.

Issue : Not famed.

Brief of Court Order:

Court dismissed the petition as withdrawn on the application filed by the petitioner to withdraw the petition.

Status : Disposed of on 26.03.2012.

CIC/Legal/2013/048

CIC Order No : CIC/DS/A/2011/001569

Operative Section : Section 8(1) (e) & (g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the disclosure of the information as sought by the appellant while observing,

“ In our view, there appears to have been a misreading of section 8(1) (e) of the Act by the CPIO and the first appellate authority. The fiduciary relationship, if at all, is between the employer and the employee. The information which is expected to be kept exempt from disclosure is the information concerning the employee, in this case, the appellant herein. The exemption is from disclosure to third party and certainly not to the appellant himself”.

Writ petition No : 6675/2013, Himachal Pradesh High Court.

Issue :

Whether Commission was right in ordering disclosure of information in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“In our considered view, fiduciary relationship, if at all, is between the employer and employee. Information, which is accepted to be kept exempt from disclosure, is the information concerning the employee. Acceptance of petitioner’s contention would lead to doing violence to the statutory provisions, its ambit and scope. The exemption is from disclosure to a third party and not to the employee.

Thus, we are of considered view that not only an employee has constitutional and statutory right to obtain information sought for, but also the petitioner have a corresponding legal duty to disclose the same”.

Status : Disposed of on 01.03.2014.

CIC/Legal/2013/046

CIC Order No : CICAT/A/2010/001206-DS

Operative Section : Section 8(1) (e) & (g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the disclosure of the information as sought by the appellant while observing,

“ In our view, there appears to have been a misreading of section 8(1) (e) of the Act by the CPIO and the first appellate authority. The fiduciary relationship, if at all, is between the employer and the employee. The information which is expected to be kept exempt from disclosure is the information concerning the employee, in this case, the appellant herein. The exemption is from disclosure to third party and certainly not to the appellant himself”.

Writ petition No : 6683/2013, Himachal Pradesh High Court.

Issue :

Whether Commission was right in ordering disclosure of information in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“In our considered view, fiduciary relationship, if at all, is between the employer and employee. Information, which is accepted to be kept exempt from disclosure, is the information concerning the employee. Acceptance of petitioner’s contention would lead to doing violence to the statutory provisions, its ambit and scope. The exemption is from disclosure to a third party and not to the employee.

Thus, we are of considered view that not only an employee has constitutional and statutory right to obtain information sought for, but also the petitioner have a corresponding legal duty to disclose the same”.

Status : Disposed of on 01.03.2014.

CIC/Legal/2013/047

CIC Order No : CIC/TA/A/2010/001209-DS

Operative Section : Section 8(1) (e) & (g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the disclosure of the information as sought by the appellant while observing,

“ In our view, there appears to have been a misreading of section 8(1) (e) of the Act by the CPIO and the first appellate authority. The fiduciary relationship, if at all, is between the employer and the employee. The information which is expected to be kept exempt from disclosure is the information concerning the employee, in this case, the appellant herein. The exemption is from disclosure to third party and certainly not to the appellant himself”.

Writ petition No : 6682/2013, Himachal Pradesh High Court.

Issue :

Whether Commission was right in ordering disclosure of information in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“In our considered view, fiduciary relationship, if at all, is between the employer and employee. Information, which is accepted to be kept exempt from disclosure, is the information concerning the employee. Acceptance of petitioner’s contention would lead to doing violence to the statutory provisions, its ambit and scope. The exemption is from disclosure to a third party and not to the employee.

Thus, we are of considered view that not only an employee has constitutional and statutory right to obtain information sought for, but also the petitioner have a corresponding legal duty to disclose the same”.

Status : Disposed of on 01.03.2014.

CIC/Legal/2013/045

CIC Order No : CIC/AT/A/2010/001242-DS

Operative Section : Section 8(1) (e) & (g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the disclosure of the information as sought by the appellant while observing,

“ In our view, there appears to have been a misreading of section 8(1) (e) of the Act by the CPIO and the first appellate authority. The fiduciary relationship, if at all, is between the employer and the employee. The information which is expected to be kept exempt from disclosure is the information concerning the employee, in this case, the appellant herein. The exemption is from disclosure to third party and certainly not to the appellant himself”.

Writ petition No : 6679/2013, Himachal pradesh High Court.

Issue :

Whether Commission was right in ordering disclosure of information in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“In our considered view, fiduciary relationship, if at all, is between the employer and employee. Information, which is accepted to be kept exempt from disclosure, is the information concerning the employee. Acceptance of petitioner’s contention would lead to doing violence to the statutory provisions, its ambit and scope. The exemption is from disclosure to a third party and not to the employee.

Thus, we are of considered view that not only an employee has constitutional and statutory right to obtain information sought for, but also the petitioner have a corresponding legal duty to disclose the same”.

Status : Disposed of on 01.03.2014.

CIC/Legal/2013/044

CIC Order No : CIC/DS/A/2011/001570

Operative Section : Section 8(1) (e) & (g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the disclosure of the information as sought by the appellant while observing,

“ In our view, there appears to have been a misreading of section 8(1) (e) of the Act by the CPIO and the first appellate authority. The fiduciary relationship, if at all, is between the employer and the employee. The information which is expected to be kept exempt from disclosure is the information concerning the employee, in this case, the appellant herein. The exemption is from disclosure to third party and certainly not to the appellant himself”.

Writ petition No : 6677/2013, Himachal Pradesh High Court.

Issue :

Whether Commission was right in ordering disclosure of information in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“In our considered view, fiduciary relationship, if at all, is between the employer and employee. Information, which is accepted to be kept exempt from disclosure, is the information concerning the employee. Acceptance of petitioner’s contention would lead to doing violence to the statutory provisions, its ambit and scope. The exemption is from disclosure to a third party and not to the employee.

Thus, we are of considered view that not only an employee has constitutional and statutory right to obtain information sought for, but also the petitioner have a corresponding legal duty to disclose the same”.

Status : Disposed of on 01.03.2014.

CIC/Legal/2013/040

CIC Order No : CIC/DS/A/2011/001609.

Operative Section : Section 8(1) (e) & (g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the disclosure of the information as sought by the appellant while observing,

Commission notes that the provisions of Section 8(1) (e) & (g) have been wrongly applied in this case by the CPIO and the first appellate authority and their orders are accordingly infirm and are overruled as supported by numerous previous orders of the Commission.

Writ petition No : 6824/2013, Himachal Pradesh High Court.

Issue :

Whether Commission was right in ordering disclosure of information in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“In our considered view, fiduciary relationship, if at all, is between the employer and employee. Information, which is accepted to be kept exempt from disclosure, is the information concerning the employee. Acceptance of petitioner’s contention would lead to doing violence to the statutory provisions, its ambit and scope. The exemption is from disclosure to a third party and not to the employee.

Thus, we are of considered view that not only an employee has constitutional and statutory right to obtain information sought for, but also the petitioner have a corresponding legal duty to disclose the same”.

Status : Disposed of on 01.03.2014.

CIC/Legal/2013/041

CIC Order No : Not mentioned.

Operative Section : Section 8(1) (e) & (g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the disclosure of the information as sought by the appellant while observing,

“ In our view, there appears to have been a misreading of section 8(1) (e) of the Act by the CPIO and the first appellate authority. The fiduciary relationship, if at all, is between the employer and the employee. The information which is expected to be kept exempt from disclosure is the information concerning the employee, in this case, the appellant herein. The exemption is from disclosure to third party and certainly not to the appellant himself”.

Writ petition No : 6676/2013, Himachal Pradesh High Court.

Issue :

Whether Commission was right in ordering disclosure of information in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“In our considered view, fiduciary relationship, if at all, is between the employer and employee. Information, which is accepted to be kept exempt from disclosure, is the information concerning the employee. Acceptance of petitioner’s contention would lead to doing violence to the statutory provisions, its ambit and scope. The exemption is from disclosure to a third party and not to the employee.

Thus, we are of considered view that not only an employee has constitutional and statutory right to obtain information sought for, but also the petitioner have a corresponding legal duty to disclose the same”.

Status : Disposed of on 01.03.2014.

CIC/Legal/2013/042

CIC Order No : Not mentioned.

Operative Section : Section 8(1) (e) & (g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the disclosure of the information as sought by the appellant while observing,

“ In our view, there appears to have been a misreading of section 8(1) (e) of the Act by the CPIO and the first appellate authority. The fiduciary relationship, if at all, is between the employer and the employee. The information which is expected to be kept exempt from disclosure is the information concerning the employee, in this case, the appellant herein. The exemption is from disclosure to third party and certainly not to the appellant himself”.

Writ petition No : 6678/2013, Himachal Pradesh High Court

Issue :

Whether Commission was right in ordering disclosure of information in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“In our considered view, fiduciary relationship, if at all, is between the employer and employee. Information, which is accepted to be kept exempt from disclosure, is the information concerning the employee. Acceptance of petitioner’s contention would lead to doing violence to the statutory provisions, its ambit and scope. The exemption is from disclosure to a third party and not to the employee.

Thus, we are of considered view that not only an employee has constitutional and statutory right to obtain information sought for, but also the petitioner have a corresponding legal duty to disclose the same”.

Status : Disposed of on 01.03.2014.

CIC/Legal/2013/043

CIC Order No : Not mentioned.

Operative Section : Section 8(1) (e) & (g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the disclosure of the information as sought by the appellant while observing,

“ In our view, there appears to have been a misreading of section 8(1) (e) of the Act by the CPIO and the first appellate authority. The fiduciary relationship, if at all, is between the employer and the employee. The information which is expected to be kept exempt from disclosure is the information concerning the employee, in this case, the appellant herein. The exemption is from disclosure to third party and certainly not to the appellant himself”.

Writ petition No : 6680/2013,Himachal pradesh High Court

Issue :

Whether Commission was right in ordering disclosure of information in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“In our considered view, fiduciary relationship, if at all, is between the employer and employee. Information, which is accepted to be kept exempt from disclosure, is the information concerning the employee. Acceptance of petitioner’s contention would lead to doing violence to the statutory provisions, its ambit and scope. The exemption is from disclosure to a third party and not to the employee.

Thus, we are of considered view that not only an employee has constitutional and statutory right to obtain information sought for, but also the petitioner have a corresponding legal duty to disclose the same”.

Status : Disposed of on 01.03.2014.

CIC/Legal/2013/006

CIC Order No : CIC/LS/A/2012/002430

Operative Section : 8(1) (e), (g) & (j) of RTI Act.

Brief of CIC Order :

CIC vide its order dated 27.12.2012 dismissed the appeal stating that personal information can be disclosed only in larger public interest and appellant has not established any such interest.

Writ petition No : 80/2013, Calcutta High Court.

Issue :

Whether Commission was right in dismissing the second appeal in the facts of the case.

Brief of Court Order :

Court while allowing the petition remanded the matter back to the CIC to decide the appeal afresh. The court made following observation,

“Turning attention to the merits of the order impugned passed by the CIC, it has appeared to me to be indefensible. The provisions of the Act cited by the PIO i.e. clauses (e), (g) & (j) of sub-section 1 of section 8 of the Act do not absolutely bar furnishing of information, which are related to third party information. Even personal information is open to disclosure in the larger public interest. Rejection of the petitioner’s request for information by the PIO and the first appellate authority citing clause (g) of sub-section (1) of section 8 of the Act appears to be a misdirected exercise. There appears to be no explanation as to how the nature of disclosure sought for by the petitioner would endanger the life and physical safety of the said Ajit Kumar”.

Status : Disposed of on 20.12.2013.

CIC/Legal/2012/025

CIC Order No : CIC/SG/A/2011/002152

Operative Section : Section 8(1)(e) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information to the appellant as per records before 10 January 2012 holding that the claim of the third party for exemption under section 8(1)(e) is not upheld.

Writ Petition No : 177/2012, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the complete information to the appellant in the facts of the case.

Brief of Court Order :

Court while upholding the Commission's order dismissed the petition observing,

“Though, learned counsel for the petitioner relies upon the Supreme Court judgement in C.B.S.E and nr Vs Aditya Bandopadhyay and Ors, 2011(8) SCC 497, to submit that the relationship between the petitioner and the MCI was of a fiduciary nature, wherein the MCI held the information provided by the petitioner in a fiduciary capacity, he does not show as to how the said judgement is applicable to the petitioner's case. The petitioner did not part with information to the MCI in trust. Reliance placed on Section 11 also appears to be misplaced since it is not even the petitioner's case that the information provided to the MCI could be treated as confidential by the petitioner”.

Status : Disposed of on 10.01.2012.

CIC/Legal/2012/062

CIC Order No : CIC/WB/A/2010/000542-SM

Operative Section : Section 8(1) (e) & (j) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the CPIO to disclose the list of the shortlisted candidates along with their personal experience and educational qualification. Commission observed,

“After carefully considering the facts of the case, we do not see how the desired information can be classified as something held in fiduciary capacity or as personal information. After all, the candidates were shortlisted for interview on the basis of certain eligibility criteria. The disclosure of the experience and the educational qualification of the shortlisted candidates would lead to greater transparency by removing all about the manner of shortlisting”.

Writ Petition No : 2918/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Single Bench Order :

Court while dismissing the petition observed,

“This court finds no legal infirmity in the impugned order of the CIC directing disclosure of the above information. No exemption from disclosure can be claimed by the UPSC in terms of Section 8 (1) (j) of the Right to information Act, 2005, in respect of such information”.

L.P.A No. : 797/2011.

Brief of Division Bench Order:

Court dismissed the appeal while observing,

The information submitted by an applicant seeking a public post, and which information comprises the basis of his selection to the said public post, cannot be said to be in private domain or confidential. We are unable to appreciate the plea of any secrecy there around. An applicant for a public post participates in a competitive process where his eligibility/suitability

for the public post is weighed/compared vis-à-vis other applicants. The appointing/recommending authorities as the UPSC, in the matter of such selection, are required and expected to act objectively and to select the best. Such selection process remains subject to judicial review. Though at one time it was held (See Dr. Duryodhan Sahu v. Jitendra Kumar Mishra (1998) 7 SCC 273) that a writ of quo warranto questioning appointment to a public office/post cannot be filed in public interest but some exceptions have been carved out to the said principle also (See N. Kannadasan v. Ajay Khose (2009) 7 SCC 104).

Moreover the information seeker i.e. the respondent herein in the present case is not a stranger to the selection process but the father of another applicant. Certainly an applicant to a public post who has been overlooked is entitled to know the reasons which prevailed with the appointing/recommending authority for preferring another over him. Without such information, the applicant who has remained unsuccessful would not even be in a position to know as to why he/she was not appointed and another preferred over him/her and would also not be able to seek judicial review against the irregularity if any in the appointment/selection process. Moreover, we are unable to fathom the secrecy/confidentiality if any as to the educational qualification and experience of the selectee to a public post; such information ordinarily also is in public domain and educational qualifications and experience are something to be proud of rather than to hide in a closet. Whosoever on the basis of his educational qualification and experience seeks appointment particularly to a public office cannot claim any secrecy/confidentiality with respect thereto”

S.L.P No. : 16870/2013, Supreme Court.

Brief Of Supreme Court Order:

Court allowed the appeal and set aside the impugned judgment and the orders passed by the learned single Judge and CIC while observing,

“We hold that the CIC committed a serious illegality by directing the Commission to disclose the information sought by the respondent at points 4 and 5 and the High Court committed an error by approving his order.

We may add that neither the CIC nor the High Court came to the conclusion that disclosure of the information relating to other candidates was necessary in larger public interest. Therefore the present case is not covered by the exception carved out in Section 8 (1) (e) of the Act”.

Status : Disposed of on 06.08.2013.

CIC/Legal/2011/018

CIC Order No : CIC/SG/A/2009/002238

Operative Section : Section 8(1) (e) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the give the information on query-1 to the appellant. Also, the PIO was directed to give question-wise marks to the Appellant.

Writ Petition No : 1007/2010, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while disposing of the petition observed,

“Learned counsel for the Respondent states that the Respondent has already

got admission in a college and is, therefore, not interested in pursuing the queries which led to the appeal before the Central Information Commission.

In that view of the matter, the petition is disposed of by directing that the

impugned order dated 30th October 2009 passed by CIC will not constitute precedent in regard to any similar application made to the Petitioner in future.

It is further clarified that in view of the statement made on behalf of the Respondent, the Petitioner is not required to comply with the impugned order”.

Status : Disposed of on 27.11.2011.

CIC/Legal/2012/088

CIC Order No : CIC/DS/A/2010/000660

Operative Section : Section 8(1) (e) of the RTI Act.

Brief of CIC Order :

CIC while quoting full bench decision of the Commission declaring GIPSA as a public authority, allowed the appeal and directed the PIO to provide the information as sought by the appellant

Writ Petition No : 7553/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant when stay was already granted by the Hon'ble Court vide its order dated 23.03.2011 wherein a similar direction was issued to the company

Brief of Court Order :

Court while disposing the petition observed,

“ In view of the affidavit filed by the Information Commissioner, Smt. Dipak Sandhu, wherein an unconditional apology has been offered, no purpose would be served in continuing with the proceedings in view of the fact that the information stands already supplied to the querist. The writ petition is accordingly disposed of”.

Status : Disposed of on 28.05.2013.

CIC/Legal/2012/116

CIC Order No : CIC/WB/A/2010/000937-AD

Operative Section : Section 8(1) (e) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information as sought by the appellant while giving additional time to the PIO for providing the information as the respondent stated that they have to inform the NCB, MHRD before handing over the marks to the appellant and that process would take more than a month.

Writ Petition No : 751/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while finding no reason to interfere with the order of the Commission dismissed the petition and observed,

“The right of a candidate, sitting for JEE or GATE, to obtain information under the RTI Act is a statutory one. It cannot be said to have been waived by such candidate only because of a clause in the information brochure for the JEE or GATE. In other words, a candidate does not lose his or her right under the RTI Act only because he or she has agreed to sit for JEE or GATE. The condition in the brochure that no photocopy of the ORS sheet will be provided, is subject to the RTI Act. It cannot override the RTI Act.

Status : Disposed of on 07.02.2011.

CIC/Legal/2012/115

CIC Order No : CIC/WB/C/2010/000435

Operative Section : Section 8(1) (e) of the RTI Act.

Brief of CIC Order :

Commission while deciding the matter directed the respondent to file a duly stamped affidavit on a Non-Judicial paper stating the inability to furnish the copy of ORS. Commission observed,

“In the instant case, the Commission suggests the Complainant to seek inspection of the relevant records and directs Indian Institute of Technology, Delhi to cooperate with the Complainant in the inspection of the file/s. I is also directed that the Respondent shall submit a duly notarised affidavit on a Non Judicial stamp paper stating the inability to furnish the copy of ORS”.

Writ Petition No : 747/2011, Delhi High Court

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while finding no reason to interfere with the order of the Commission dismissed the petition and observed,

“The right of a candidate, sitting for JEE or GATE, to obtain information under the RTI Act is a statutory one. It cannot be said to have been waived by such candidate only because of a clause in the information brochure for the JEE or GATE. In other words, a candidate does not lose his or her right under the RTI Act only because he or she has agreed to sit for JEE or GATE. The condition in the brochure that no photocopy of the ORS sheet will be provided, is subject to the RTI Act. It cannot override the RTI Act.

Status : Disposed of on 07.02.2011.

SECTION 8(1) (g)

CIC/Legal/Del/2015/058

CIC Order No : CIC/SM/A/2011/000342/SG/13621.

Operative Section : Section 8(1)(g) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the PIO to provide the information to the Appellant before 16 August 2011.

Writ Petition No : 6698/2011, Delhi High Court.

Issue :

Whether the order of the Commission in directing the PIO to disclose the information is sustainable in the facts and circumstance of the case.

Brief of Court Order:

Court while allowing the petition set aside the impugned order dated 22nd july 2011 while observing,

“On 16th August 2012, learned Amicus Curiae on instruction of respondent had stated that he did not wish to press the claim for declaration of the identity of the person who evaluated the question papers.

Even the Supreme Court in Central Board of Secondary Education and Another Vs. Aditya Bandopadhyay and Others,(2011) 8 SCC 497 held that identity of an examiner is entitled to protection”.

Status : Disposed of on 12.01.2016.

CIC/Legal/2014/018

CIC Order No :CIC/SS/A/2012/002176,003177 &
/SS/A/2013/000011.

Operative Section : Section 8(1)(g) & (h) of RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the Deputy Secretary/Vig & CPIO to provide to the appellant the documents as requested by the appellant within two weeks of receipt of this order.

Writ petition No : 405/2014,Delhi High Court.

Issue :

Whether Commission was right in its order.

Brief of Court Order :

Court while dismissing the petition directed the petitioner to comply with the order of the CIC.

Status : Disposed of on 22.04.2015.

CIC/Legal/2012/059

CIC Order No : CIC/SM/A/2011/000866

Operative Section : Section 8(1) (g) & (h) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the promised 200 pages of documents relating to this case including the report sent by the CBI to the CVO of the Chandigarh administration/DOEACC society within 10 working days of this order.

Writ Petition No : 12085/2012, Punjab & Haryana High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Single Bench Order :

Court while deciding the petition found that the information to the case cannot be supplied. However, directed the PIO to provide copy of report to the appellant. Court observed,

“Though respondent No. 2 sought to raise an apprehension that the grievance raised by him in his complaint may not be enquired into by CBI, hence, this cannot be said to be a matter under investigation and the copies of documents forming part thereof can be supplied to him, as the bar under Section 8(1)(h) of the Act will not be applicable. However, the contention is misconceived, if considered in the light of the directions issued by this court and the stand taken by learned counsel for the petitioner before this court. Once the matter is under investigation, in terms of provisions of Section 8(1)(h) of the Act, the information pertaining thereto cannot be supplied in a query under the Act.

It was not disputed at the time of hearing that on enquiry conducted by the petitioner on the complaint of respondent No. 2, a report was sent to Chandigarh Administration pointing out the deficiencies for taking corrective steps. As the same has already been submitted by the petitioner to some other authority, it cannot be treated to be part of the investigation. A copy thereof is directed to be furnished to respondent No. 2 by the petitioner on payment of requisite charges”.

L.P.A No. : 257/2013.

Brief of Court Order :

Court dismissed the appeal while observing,

“ We are reminded to point out at this juncture, learned counsel for respondent No.1 submits, that the investigation in the matter is complete. So much so, the CBI has even submitted a final report/charge-sheet in the Court of Chief Judicial Magistrate, Chandigarh and the matter is now posted for recording the prosecution evidence on 28.07.2014. Needless to assert, the provisions of Clause (h) does not take only the process of investigation within its sweep but also the prosecution of offenders as well.

In the wake of the position as has been noticed above, we are dissuaded to interfere in the order passed by the learned Single Judge. The appeal being bereft of merit is, accordingly, dismissed”.

Status : Disposed of on 16.05.2014.

CIC/Legal/2012/081

CIC Order No : CIC/SM/A/2011/001313/VS &
CIC/SM/A/2011/002092/VS

Operative Section : Section 8(1)(g), (h) and (j), of the RTI Act.

Brief of CIC Order :

CIC in CIC/SM/A/2011/001313/VS while allowing the appeal directed the PIO to provide all work-related information about Ms. Rani M. Shahani to the appellant. The observations in para 6 should be kept in consideration.

CIC in CIC/SM/A/2011/002092/VS has issued a notice to the respondent for hearing of the case on 29th November, 2012.

Writ Petition No : 2824/2012, Bombay High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition observed,

“in so far as the first application is concerned, the order dated 16.05.2012 which is impugned in the present petition has already been partly complied with. It is only in respect of the information which according to the Respondent No. 4 has not been furnished that the proceedings under section 18 have been initiated. In so far as the second application is concerned, the First Appellate Authority has directed furnishing of the information except in respect of the queries made by item No.s 6,13 to 16 which information has been refused on the ground that the same is exempted under section 8(1)(g), 8(1)(h) and 8(1) (j), therefore in respect of both the proceedings that is the first application as well as the second application, if the Central Information Commissioner concurs with the First Appellate Authority that the information which has not been furnished is confidential, but however is of the view that the same is required to be furnished, then the course of action as contemplated under Section 11 of the said Act would have to be followed that is giving notice to the petitioner and after affording an opportunity to the petitioner to represent either orally or in writing, to pass appropriate orders in accordance with law. Hence without interfering with the order dated 16.05.2012 passed by the Central Information Commissioner. However, by issuing the directions as above, the writ petition is disposed of”.

Status : Disposed of on 31.01.2013.

SECTION 8(1) (h)

CIC/Legal/DEL/2015/012

CIC Order No. : CIC/KY/A/2014/000154

Operative Section : Section 8(1) (h) of RTI Act.

Brief of CIC Order :

CIC rejected the appeal preferred by the petitioner while upholding the decision of the FAA that the information relating to the sanction of prosecution of the petitioner and all relating notes and letters comes under Section 8(1) (h) of the RTI Act, the disclosure of which is exempted by the Act.

Writ Petition No : 3543/2014, Delhi High Court.

Issue :

Whether mere citation that the information is exempted under Section 8(1) (h) of the Act would absolve the public authority from discharging its onus as required to claim such exemption.

Brief of Court Order :

Court set aside the impugned order of CIC dated 16.04.2014 and remanded the matter to CIC to consider it afresh while making following observation'

“In order to deny information, the public authority must form an affirmative opinion that the disclosure of information would impede investigation, apprehension or prosecution of offenders; a mere perception or an assumption that disclosure of information may impede prosecution of offenders is not sufficient”.

Status : Disposed of.

CIC/Legal/2012/074

CIC Order No : CIC/DS/A/2011/000148

Operative Section : Section 8(1) (h) of the RTI Act.

Brief of CIC Order :

CIC while deciding the matter observed,

Commission has heard both parties. Commission accepts as valid the argument of the respondent that on account of the fact that the case is still pending before the CBI court, disclosure of any information will impede the process of prosecution. On these grounds disclosure of information is denied. Appeal is dismissed.

Writ Petition No : 2938/2011, Bombay High Court.

Issue :

Whether the Commission's order for not disclosing the information was right.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission and directed the respondents to supply the information sought for by the petitioner within three weeks from the date of order, after redacting names of officers who wrote the notes or made entries in the concerned files.

Status : Disposed of on 05.03.2013.

CIC/Legal/2012/096

CIC Order No : CIC/DS/A/2010/001905

Operative Section : Section 8(1) (h) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while deciding the matter imposed a penalty of Rs 25,000/- on the former CPIO, Shri N K Thakur for denying information to the appellant with malafide intent and directed the ChairmancumMD, National Insurance Co. Ltd.Kolkata to recover the amount of Rs. 25,000/ from the salary of the CPIO and remit the same by a demand draft or a Banker's cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri Pankaj K.P. Shreyaskar, Joint Registrar and Deputy Secretary of the Commission

Writ Petition No : 7903/2011, Delhi High Court.

Issue :

Whether Commission was right in imposing penalty on the former PIO in the facts of the case.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission imposing penalty on the PIO while observing,

“It is quite evident, on perusal of the record, that, the first application, was filed by respondent no. 2 with the Kolkata office of the petitioner, whereupon the requisite information with regard to engagement of legal practitioner was supplied to him by the CPIO, on 17.08.2009. This information was, however, supplied by Mr M.C. Aggarwal, CPIO located in the Kolkata office. Though, there is nothing on record to show that, this information was received by respondent no. 2 and this fact may have weighed with me, in view of the fact that a reference to the issue of engagement of legal practitioner finds a mention in the respondent no.2s second application dated 01.10.2009 what has persuaded me to the contrary is the contents of the order dated 24.12.2009 passed by the First Appellate Authority in which reference is made to CPIOs order of 17.08.2009.

In view of the above, the finding of the CIC that information was not supplied by the second CPIO with malafide intent, while passing the order dated 28.10.2009, cannot sustain. If the information had already been furnished to the petitioner by the first CPIO vide communication dated 17.08.2009, no grievance could have remained qua that aspect of the matter. This is an aspect which the CIC ought to have considered, while passing the impugned order”.

Status : Disposed of on 13.03.2013.

SECTION 8(1) (i)

CIC/Legal/DEL2015/094

CIC Order No : CIC/WB/A/2007/01359

Operative Section : Section 8(1)(i) & (j) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal of the appellant directed that the requested information be made available to the appellant Shri Jain within a period of ten working days from the date of issue of this order.

Writ Petition No : 14069/2009, Delhi High Court.

Issue :

Whether the Commission was right in disclosing the information to the appellant.

Brief of Court Order:

Court disposed of the petition with the following observation,

“the petitioner shall disclose the approval by ACC to the respondents in terms of the prayer made in the application submitted by them to the CPIO. The information to be made available to the respondents shall also include the reasons for the decision taken by the ACC. The material on the basis of which the said decision was taken, however, need not to disclosed, if it was not sought by the respondents. If, however, they seek such material, it cannot be withheld, after a decision taken by the Council of Ministers is implemented. It is, however, made clear that a Cabinet decision, wherever such decision constitutes advice of Ministers to the President in terms of Article 74 of the Constitution, cannot be accessed under the provisions of the Right to Information Act.

Status : Disposed of on 19.11.2013.

CIC/Legal/2014/039

CIC Order No : CIC/SM/A/2012/001199.

Operative Section : Section 8(1)(i) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the CPIO to provide the copy of the letter to the appellant within 10 working days of the receipt of the order.

However, Commission vide its order dated 21.05.2013 reviewed its own order on the basis of application filed by the CPIO, which is supposed to have brought out some new facts. The Commission in its reviewed order dated 21.05.2013, thereby, directed the CPIO not to provide a copy of the letter to the appellant.

Writ petition No : 6699/2013, Delhi High Court.

Issue :

Whether the Commission was right in reviewing its own order.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission and remanded the matter back to the CIC to consider it afresh. The court observed,

“The learned counsel for the petitioner states that a power of review is a statutory power and the CIC does not have any power under the Right to Information Act, 2005 to review its own orders. It is further submitted that the impugned order was passed without any notice or without affording the petitioner an opportunity to be heard. The order dated 01.11.2012 disposed of the appeal filed by the petitioner and it was thus necessary that the petitioner be heard including the question whether CIC has the power to review its own order.

In these circumstances, the impugned order is set aside and the matter is remanded back to the CIC to consider it afresh on the above questions raised by the petitioner”.

Status : Dispose of on 11.09.2014..

SECTION 8(1) (j)

CIC/Legal/2014/055

CIC Order No : CIC/VS/A/2012/000371.

Operative Section : Section 8(1) (j) of RTI Act.

Brief of CIC Order :

Commission allowed the appeal and directed the respondent to provide to the appellant the information sought in the RTI application.

Writ petition No : 4190/2013, Delhi High Court.

Issue :

Whether the Commission in ordering disclosure of information.

Brief of Court Order :

Court disposed of the petition allowing the disclosure of the information while observing,

“The provision of section 8(1)(j) RTI Act on which reliance was placed by the CPIO would not apply in case the information is sought by the person to whom it pertains. Such an exemption can be claimed only when the ‘personal information’ relates to a third party. Since according to respondent No.2 he is one of the co-owners of the said property, in case any information with respect to mortgage of the said property with the bank is provided, that would not be a personal information related only to respondent no.3, she being only one of the co-owners and would equally a personal information of the other co-owners, including respondent no. 2”.

Status : Disposed of on 29.10.2013..

CIC/Legal/2015/098

CIC Order No : CIC/SG/S/2011/003257.

Operative Section : Section 8(1)(j) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the PIO to provide complete information about the passport details of the three individuals as per available records to the appellant before 15 february 2012.

Writ Petition No : 1677/2012, Delhi High Court.

Issue :

Whether CIC's order of disclosure of information was correct in the facts and circumstances of the case.

Brief of Court Order :

The Court disposed of the petition observing,

The information at serial number 1 cannot be provided to the respondent, the said information being personal information within the meaning of section 8(1)(j) of the Act. The information at serial number 2 i.e. validity of the passports of and as to whether new passports have been issued to them or not and if so what are the numbers of new passports cannot be refused to the respondent since these details would contain no personal information in respect of passport holder. However, the addresses of the passport holders cannot be disclosed to him. The information at serial number 3 i.e. the countries for which visas have been given to the passport holders in which country they residing and at what address and who had sponsored their visas is not expected to be available with the Regional Passport Office and, therefore, cannot be granted to the respondent.

Status : Disposed of on 17.09.2013

CIC/Legal/2015/104

CIC Order No : CIC/SG/A/2011/002673/16100

Operative Section : Section 8(1)(j) of RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information as per available records to the Appellant before 25 December 2011.

Writ Petition No : 1263/2012, Delhi High Court.

Issue :

Whether the Commission was right in disclosing the information.

Brief of Court Order:

The court while disposing of the petition observed,

The information at serial number 1 and 2 is not expected to be available with the Regional Passport Office and, therefore, cannot be provided to the respondent. The information at serial number 3 (a) to (c) being personal information of the passport holder, cannot be provide to the respondent. The information at serial number 3 (D) (e) and (f), however, should be provided to him since it would contain no personal information within the meaning of section 8 (1) (j) of RTI Act.

Status : Disposed of on 17.09.2013.

CIC/Legal/2015/108

CIC Order No : CIC/SM/A/2012/000033

Operative Section : Section 8(1)(j) of RTI Act.

Brief of CIC Order :

CIC while allowing the appeal observed,

“we are of the view that the desired information , namely, the complete chart of grading of the ACRs of the officers as assessed and evaluated by the DPC and recommended for promotion must be disclosed. We direct the CPIO to do so within 10 working days of receiving this order”.

Writ Petition No : 1525/2012, Delhi High Court

Issue :

Whether the disclosure of information by the Commission was right.

Brief of Court Order:

Court set aside the order of the CIC while observing,

“the matter is remanded to the CIC to reach a fresh conclusion, after hearing both the petitioner as well as the respondent”

Status : Disposed of on 29.04.2015.

CIC/Legal/2015/117

CIC Order No : CIC/SG/A/2012/000390, CIC/SG/A/2012/00413,
CIC/SG/A/2012/000372.

Operative Section : Section 8(1)(j) of RTI Act.

Brief of CIC Order :

In CIC/SG/A/2012/000390, CIC/SG/A/2012/00413 the Commission while allowing the appeal and rejecting the contention of the PIO that information provided by an applicant while applying for passport is exempt under Section 8(1)(j) of the RTI Act directed the PIO to provide the complete information as per available records to the appellant before 05 May 2012.

In CIC/SG/A/2012/000372, the Commission while allowing the appeal directed the PIO to provide the complete information as per available records to the appellant before 10 April 2012.

Writ Petition No : 3406/2012, 3421/2012 & 3444/2012, Delhi High Court.

Issue :

Whether Commission was right in directing the PIO to disclose the information.

Brief of Court Order:

In W.P No. 3406/2012, the Court set aside the Commission's order while observing,

“ This Court finds that except making general observations in the impugned matters, CIC has not considered the aforesaid binding statutory provisions. In fact, the impugned order is based on surmises and conjectures. CIC has not pointed out as to how any of its general observations with regard to mis-governance, rampant corruption by public servants and politicians have any relevance to the present batch of cases. CIC has nowhere stated in the impugned orders that third parties are public servants or politicians or persons in power.

CIC has neither examined the issue whether larger public interest justifies the disclosure of the information sought by the applicants in these cases nor has followed the third party procedure prescribed under Sections 11 and 19(4) of RTI Act”.

In W.P No. 3421/2012, court observed,

“the information as to date of issue of passport number and date of its expiry can certainly be disclosed since no personal information is contained

in such details. However, copy of the application form cannot be provided since it would contain personal information of the passport holder”.

In W.P NO. 3444/2012, Court observed,

“the writ petition is disposed of with a direction that though the respondent shall not be entitled to photocopies of the documents submitted by Shri Beant Singh as proof of his address and identity, the noting of the officer who had recommended to issue passport to him shall be provided to him within four weeks in case such noting does not contain any personal information relating to Shri Beant Singh.

Status : Disposed of.

W.P No. 3406/2012 disposed on 19.02.2014, W.P No. 3421/2012 disposed on 17.09.2013 & W.P NO. 3444/2012 disposed on 23.08.2013.

CIC/Legal/2014/004

CIC Order No : CIC/RM/A/2012/000198

Operative Section : Section 8(1)(j) of RTI Act.

Brief of CIC Order :

Commission disposed of the appeal while upholding the decision of the CPIO/FAA observing that the appellant has not been able to prove any larger public interest with corroborative evidence.

Writ Petition No : 8753/2013, Bombay High Court.

Issue :

Whether Commission was right in upholding the orders of CPIO and FAA.

Brief of Court Order :

Court dismissed the petition while observing,

“the impugned order dated 15-05-2013 passed by Central Information Commission, confirming the orders passed by the First Appellate Authority and CPIO does not suffer from any illegality or infirmity for this court to interfere in its Writ Jurisdiction”.

CIC/Legal/2014/012

CIC Order No : Not mentioned.

Operative Section : Section 8(1)(j) , (e) & 11 of RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the respondent to provide information relating to the proceedings of the DPC for the years 2006, 2007 and 2009 to the appellant.

Writ Petition No. : 7923/2013, Delhi High Court.

Issue :

Whether CIC was right in allowing disclosure of information.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission while observing,

“the reasoning of the CIC that the respondent being an officer of the petitioner cannot be considered as a third party, is not sustainable. The information relating to ACRs and grading of an employee are personal to him and in this respect other employees are, definitely, not entitled to share that information”.

Status : Disposed of on 21.11.2014.

CIC/Legal/2014/049

CIC Order No : CIC/SM/A/2012/001623

Operative Section : Section 8(1)(j) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the CPIO to send the details contained in the passports issued to the two individuals within 15 working days of receiving of the certified copy of the arrest warrant issued by the competent court. Commission observed,

“The CIC has been consistently of the view that the passport details of a citizen are in the nature of personal information and cannot be ordinarily disclosed to anyone else under RTI. This case is somewhat different. Here is a case of a criminal complaint under various penal provisions made to a competent court which has, as claimed by the Appellant, issued an arrest warrant against those two individuals. Any information that helps and assists the court in completing the judicial process is necessarily of public interest. If such details as contained in the passport of these individuals are necessary to proceed for their extradition, the disclosure of such information would be surely in larger public interest”.

Writ petition No : 6245/2013, Delhi High Court.

Issue :

Whether the Commission was right in disclosing of the passport details by the passport authorities.

Brief of Court Order :

Court while allowing the petition set aside the impugned order of the Commission and remanded the matter back to the CIC to consider it afresh while observing,

“Admittedly, in the present case, notice has not been served on the passport holders whose information as has been directed to be revealed. In view of this, provisions of Section 19(4) of the RTI Act, 2005 have not been complied with. Accordingly, I deem it fit to set aside the impugned order and remit the same to CIC to consider it afresh in accordance with the decision of this court in Union of India Vs R. Jayachandran”.

Status : Disposed of on 17.11.2014..

CIC/Legal/2014/051

CIC Order No : CIC/SG/A/2012/001287.

Operative Section : Section 8(1)(j) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the PIO to provide the information sought by the appellant before 10 July 2012.

Writ petition No : 4237/2013, Delhi High Court.

Issue :

Whether the Commission was right in directing the PIO to provide the information in the facts of the case.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission while quoting relevant portions of similar batch of matters in W.P (C) 3406/2012,1677/2012& 9118/2009, in its order.

Status : Disposed of on 16.04.2014.

CIC/Legal/2014/053

CIC Order No : CIC/SM/A/2013/000028

Operative Section : Section 8(1)(j) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal directed the CPIO to disclose the desired information to the appellant while observing,

“We are of the view that this is one rare case which is covered by the circumstances envisaged in subsection 1(j) of section 8 of the RTI Act which mandates the CPIO to disclose any personal information when it would serve a larger public interest”.

Writ petition No : 6244/2013, Delhi High Court.

Issue :

Whether the Commission was right in directing the CPIO to disclose the information.

Brief of Court Order :

Court while allowing the petition set aside the impugned order of the Commission and observed,

“Though in the present case, CIC has found that the concept of larger public interest is attracted, yet as mandatory third party procedure has not been followed, the impugned order dated 21st June, 2013 is set aside.”

Status : Disposed of on 28.04.2014.

CIC/Legal/2014/055

CIC Order No : CIC/VS/A/2012/000371.

Operative Section : Section 8(1) (j) of RTI Act

Brief of CIC Order :

Commission allowed the appeal and directed the respondent to provide to the appellant the information sought in the RTI application.

Writ petition No : 4190/2013, Delhi High Court.

Issue :

Whether the Commission in ordering disclosure of information.

Brief of Court Order :

Court disposed of the petition allowing the disclosure of the information while observing,

“The provision of section 8(1)(j) RTI Act on which reliance was placed by the CPIO would not apply in case the information is sought by the person to whom it pertains. Such an exemption can be claimed only when the ‘personal information’ relates to a third party. Since according to respondent No.2 he is one of the co-owners of the said property, in case any information with respect to mortgage of the said property with the bank is provided, that would not be a personal information related only to respondent no.3, she being only one of the co-owners and would equally be a personal information of the other co-owners, including respondent no. 2”.

Status : Disposed of on 29.10.2013.

CIC/Legal/2013/010

CIC Order No : CIC/AD/A/2012/002853.

Operative Section : Section 8(1)(j) of RTI Act.

Brief of CIC Order :

The Commission while allowing the appeal directed the PIO to allow the appellant to inspect his own answer sheet while denying the disclosure of other 37 candidates. With regard to the disclosure of question papers, the Commission directed the PIO to furnish a copy of the question paper to the appellant.

Writ petition No : 2713/2013, Delhi High Court

Issue :

Whether an examining body can be asked to disclose the question papers in circumstances where the number of questions are limited and are repeated.

Brief of Court Order :

Court while allowing the petition observed,

“The controversy whether an examining body can be asked to disclose the question papers in circumstances where the number of questions are limited and are repeated, has been considered by this court in National Insurance Co. Ltd V. Shri MSF Beig: W.P. (C) No. 272/2012 decided on 20.11.2014 and it has been held that in such cases, the examining body cannot be compelled to disclose the question papers.

Accordingly, the present writ petition is allowed and the CIC’s order directing the petitioner to provide copy of question papers or provide OMR sheet is rejected. However, the petitioner will be entitled to inspect his answer sheets for the written examination”.

Status : Disposed of on 21.11.2014.

CIC/Legal/2012/026

CIC Order No : CIC/SG/A/2011/001832

Operative Section : Section 8(1)(j) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information to the appellant while observing,

“the Commission does not accept the PIO’s contention that information provided by an applicant when applying for passport is exempt under Section 8(1)(j) of the RTI Act”.

Writ Petition No : 410/2012, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the complete information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition set aside the order of the Commission while observing,

“This Court finds that except making general observations in the impugned matters, CIC has not considered the aforesaid binding statutory provisions. In fact, the impugned order is based on surmises and conjectures. CIC has not pointed out as to how any of its general observations with regard to mis-governance, rampant corruption by public servants and politicians have any relevance to the present batch of cases. CIC has nowhere stated in the impugned orders that third parties are either public servants or politicians or persons in power.

CIC has neither examined the issue whether larger public interest justifies the disclosure of the information sought by the applicants in these cases nor has followed the third party procedure prescribed under Sections 11 and 19(4) of the RTI Act”.

Status : Disposed of on 19.02.2014.

CIC/Legal/2012/015

CIC Order No : CIC/SG/A/2011/001832

Operative Section : Section 8(1)(j) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information to the appellant while observing,

“The Commission does not uphold the denial of information under section 8(1)(j).

Writ Petition No : 8915/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the complete information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition set aside the order of the Commission while observing,

“This Court finds that except making general observations in the impugned matters, CIC has not considered the aforesaid binding statutory provisions. In fact, the impugned order is based on surmises and conjectures. CIC has not pointed out as to how any of its general observations with regard to mis-governance, rampant corruption by public servants and politicians have any relevance to the present batch of cases. CIC has nowhere stated in the impugned orders that third parties are either public servants or politicians or persons in power.

CIC has neither examined the issue whether larger public interest justifies the disclosure of the information sought by the applicants in these cases nor has followed the third party procedure prescribed under Sections 11 and 19(4) of the RTI Act”.

Status : Disposed of on 19.02.2014.

CIC/Legal/2012/018

CIC Order No : CIC/SG/A/2011/002936

Operative Section : Section 8(1)(j) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information to the appellant while observing,

“this Commission holds that performance appraisals,- known as annual confidential reports since the days of British Raj, are not covered by section8(1)(j) of the RTI Act and disclosure of these cannot be construed as invasion on the privacy on an individual”.

Writ Petition No : 394/2012, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission and permitted the respondent to move an appropriate application under section 11 for disclosure of information whereupon the petitioner bank will take consequential steps in the matter in accordance with law. The Court also observed,

“the documents of which copies are sought are in the personal files of officers working at the levels of Deputy Secretary, Joint Secretary, Director, Additional Secretary and Secretary in the Government of India. Appointments to these posts are made on a comparative assessment of the relative merits of various officers by a departmental promotion committee or a selection committee, as the case may be. The evaluation of the past performance of these officers is contained in the ACRs. On the basis of the comparative assessment a grade is given. Such information cannot but be viewed as personal to such officers. Vis-a-vis a person who is not an employee of the Government of India and is seeking such information as a member of the public, such information has to be viewed as constituting, third party information. This can be contrasted with a situation where a government employee is seeking information concerning his own grading, ACR etc. That obviously does not involve third party information”.

Status : Disposed of on 30.01.2013.

CIC/Legal/2012/028

CIC Order No : CIC/SG/A/2011/002216

Operative Section : Section 8(1)(j) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal rejected the plea of the respondent claiming exemption under section 8(1)(j) of the RTI Act and directed the PIO to provide the information to the appellant

Writ Petition No : 1281/2012, Bombay High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant .

Brief of Court Order :

Court while the petition quashed and set aside the order of the Commission and remanded the matter back to CIC for deciding the appeal afresh on merits.

Court observed,

“it appears that an opportunity needs to be granted to the petitioner bank to defend the appeal filed by the respondent No.2 before the Central Information Commission. The averments in the writ petition that the officer of the petitioner bank waited from 2.30 pm to 4.00 pm at the venue of the hearing on 22nd November, 2011 but the hearing did not take place and the petitioner was also not informed about the next date of hearing thought the communication in that regard was issued by the officer to the respondent No. 1, remain uncontroverted”.

Status : Disposed of on 12.08.2013.

CIC/Legal/2012/087

CIC Order No : CIC/SG/A/2011/001932

Operative Section : Section 8(1) (j) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information to the appellant while observing,

“The Commission would also like to note that the Supreme Court of India has ruled that the citizens have right to know the criminal charges against those who want to become public servants (stand for elections). In these circumstances the Commission cannot uphold the PIO’s claim for exemption based on the fact that names of people charged with corruption under the Prevention of Corruption Act would be disclosed. The Commission does not accept the plea of exemption under Section 8(1) (j)”.

Writ Petition No : 1261/2012, Bombay High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court upheld the order of the Commission and dismissed the petition while observing,

“The respondent No. 2 by the application requested for a copy of the office Note, letters of Revocation and suspension in trap cases by Central Bureau of Investigation under the Prevention of Corruption Act reported in the last 10 years in which the petitioner allowed revocation of the suspension of bank officials. Plain reading of the provisions of Section 8(1) (j) makes it abundantly clear that the information sought by the respondent No. 2 is not exempted under the said section. Impugned order cannot be faulted, therefore, no reason to interfere with the impugned order in writ jurisdiction of this Court under Article 227 of the Constitution of India”.

Status : Disposed of on 19.04.2012.

CIC/Legal/2012/094

CIC Order No : CIC/DS/A/2010/002004

Operative Section : Section 8(1) (j) of the RTI Act.

Brief of CIC Order :

CIC while deciding the appeal observed,

“Respondent informed that the investigation based on the TEP of the appellant had since been completed and a copy of the Inquiry Report had been provided to the appellant. Appellant accepted the same. No further action is required to be taken”.

Writ Petition No : 3057/2012, Delhi High Court.

Issue :

Whether the Commission was right in closing the matter without any further action on the part of the CIC.

Brief of Court Order :

Court dismissed the petition while concurring with the view of the CPIO .Court observed,

“So far as the petitioners grievance with regard to non supply of information with regard to sources of income of Shri M. P. Singh is concerned, in my view, the CPIO correctly relied upon Section 8(1)(j) of the Act to deny information to the petitioner.

The information sought by the petitioner in relation to the sources of income of Shri M. P. Singh is undoubtedly personal information, disclosure of which has no relationship to any public activity or public interest of, or in relation to, Shri M. P. Singh. I, therefore, find no merit in this petition”.

Status : Disposed of on 21.05.2012.

CIC/Legal/2011/043

CIC Order No : CIC/MA/A/2010/000739/LS

Operative Section : Section 8(1) (j) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the CPIO to intimate the broad outcome of vigilance inquiry to the appellant. Besides, SAIL is also desired to look into alleged absence from duty by the appellant's father-in-law and if this allegation is found to be true, to take action as per rules.

Writ Petition No : 3118/2011, Delhi High Court.

Issue :

Whether the Commission was right in issuing direction to the SAIL to look into the matter in the facts of the case.

Brief of Court Order :

Court while allowing the petition quashed the directions issued by the Commission, however, directed petitioner to look into the complaint of the respondent in relation to Sh. Om prakash Wadhwa and take appropriate action thereon and also to communicate the outcome thereof to the respondent within 8 weeks.. Court observed,

“since the petitioner is a public sector undertaking, it cannot at according to its whims and fancies. The petitioner cannot be heard to say that it would not even examine the respondent's complaints, even if they were of administrative nature and not of vigilance nature ant not act thereon”.

Status : Disposed of on 23.04.2012.

CIC/Legal/2011/054

CIC Order No : CIC/AD/A/2009/001513
Operative Section : Section 8(1) (j) & 11(1) of the RTI Act.
Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the copy of the panel proceedings as laid down in Decision No. CIC/WB/A/2009/000420, 582 & 602 , the relevant portion of which is reproduced below,

“The objective of a DPC decision cannot be to recommend promotions in a clandestine manner or behind a veil. We agree that if such disclosure is made, at a time when the DPC is under process or even when its recommendations have not been finally accepted, such disclosure could conceivably affect the competitive position of third parties. On the other hand, the relative assessment being the key to the decision of the DPC in an activity in which the comparative merits of different candidate for promotion are made with full gravity and reflection, it will surely will be the right of every candidate to know as to how he stands assessed at the time of his consideration, with the understanding that this will enable him to represent on the basis of fact and not conjecture.

In light of the above, we must come to the conclusion that the relative assessment attached with the DPC cannot be held as exempt. This has become inevitable in consequence of the decision of the Supreme Court of India in Dev Dutt Vs U.O.I(SLP No. 3114 of 2007) in light of which earlier ruling of this Commission cited by CPIO cannot hold. Copies of the original relative assessment in the present case will, therefore, be provided to the appellant”.

With regard to the supply of ACRs of three officers to the appellant, the Commission on careful consideration of the facts and the circumstances of the case and also the submission of the Appellant directs the PIO to follow the procedure laid down in Section 11(1) of the RTI Act for information belonging to a third party and to take decision based on the submissions of the third party.

Writ Petition No : 4735/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the ACRs of third party to the appellant in the facts of the case.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission. Court observed,

“In the instant case, the information sought by the respondent pertains to the ACRs of Shri N. Jayaram, O.P. Kala, Vijay kumar who are government servants and the DPC proceedings so conducted. As I have already observed that ACRs of these employees are confidential documents. The reasons provided by the respondent are not convincing enough to establish before this court that disclosure of ACR details of the said three persons and the DPC proceedings is important for larger public interest. Learned counsel for the respondent has established no grounds for the same. Merely because the respondent wants to avail such information, does not form a substantial reason so as to why this Court should allow disclosure of such information. In the absence of any cogent reasons brought on record to establish the necessity of disclosure of the information sought by the respondent in the interest of public this Court is not inclined to violate the right to privacy of the said three public officers which is a Fundamental Right embedded in our Constitution”.

Status : Disposed of on 30.04.2011.

CIC/Legal/2012/100

CIC Order No : CIC/SG/A/2011/001307

Operative Section : Section 8(1) (j), 10 of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide attested copies of the plans of all the floors after blanking out the internal walls under section 10 of the RTI Act of the Appellant. Commission observed,

“The third party is objecting to giving the information and claims that giving the plan could affect her privacy and security. The Commission therefore directs the PIO to provide the attested copies of the plans of all floors after blanking out the internal walls under Section of the RTI Act”.

Writ Petition No : 5715/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition upheld the order of the CIC and dismissed the petition while observing,

“The counsel for the petitioner has urged that the site plan is personal information of the petitioner within the meaning of Section 8(1)(j) of the RTI Act and is thus exempt from disclosure. On enquiry, what is personal about the said site plan, the counsel for the petitioner states that Mr. Mohinder Kumar Mehra with the knowledge of the layout of the house may enter the house and cause injury and hurt the petitioner as he has already done in the past.

The CIC having directed the supply of the plans only after blanking out the internal walls, such apprehensions of the petitioner are without any basis. Even otherwise, it is highly doubtful that a son would not know the layout of the house of his mother.

The Division Bench of this Court in judgment dated 1st August, 2011 in LPA No.145/2011 titled Delhi Metro Rail Corporation Ltd. Vs. Sudhir Vohra has directed disclosure of such drawings

No error is therefore found in the order of the CIC. There is no merit in the petition. The same is dismissed”

Status : Disposed of on 10.08.2011.

CIC/Legal/2012/124

CIC Order No : CIC/SM/A/2011/001800
Operative Section : Section 8(1) (j) of the RTI Act.
Brief of CIC Order :

CIC while deciding the appeal directed the CPIO to put the details of institutional donors in the public domain and also disclose the information to the appellant while observing,

“We have given a careful thought to the centre question. It is true that the Prime Minister’s Relief Fund does not receive fund from the Central or State Governments. Nevertheless, it is administered in the office of the Prime Minister in accordance with the policy which is already in the public domain. Donations to the fund come from all kinds of sources, sometimes, State Undertakings, both Central and State. It is often noted that many such donors publicise about their donations in the media. In our view, unless the donor has the desired his donation to be kept confidential and secret, disclosure of the list of donors periodically may be a good idea. At least, the names of institutional donors should surely be published. We cannot say the same thing about the recipients and beneficiaries though. Seeking relief from the Prime Minister’s Relief Fund is strictly a personal decision and the individual citizens seeking such assistance have a reputation to protect. Making public the names and the amount of money they received from the fund has the potential to compromise their privacy. Therefore, in line with the order already passed by the CIC in the above appeal, we would not think it appropriate to direct the CPIO to disclose the names of the recipients and beneficiaries of this fund”.

Writ Petition No : 3897/2012, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while dismissing the petition observed,

“This Court, in exercise of jurisdiction under Article 226 of the Constitution of India is empowered to even where finds legal flaw in an order impugned before it, refuse the relief, if finds grant of relief not conducive in public interest. I find the order of the CIC impugned in this petition to be well

balanced. The CIC has well protected the interest of all concerned. Else, there does not seem to be any justification for the petitioner to impugn the said order.

However since certain other petitions are pending before this Court with respect to similar offices and any conclusive decision qua the PMNRF may affect the decision therein, I deem it appropriate to clarify that though of the opinion aforesaid, I in this case chose to dismiss this petition on the aforesaid reasoning, without rendering any conclusive finding on the aspect of PMNRF being a public authority. The CIC has only directed disclosure of the names of the institutions and not individual donors and not of the recipients and has rightly reasoned that when a donor is availing income tax exemption for such donation, there should be no element of secrecy / confidentiality therein, unless the donors makes the donation thereto”.

Status : Disposed of on 19.11.2015.

CIC/Legal/2012/100

CIC Order No : CIC/SG/A/2011/001307

Operative Section : Section 8(1) (j), 10 of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide attested copies of the plans of all the floors after blanking out the internal walls under section 10 of the RTI Act of the Appellant. Commission observed,

“The third party is objecting to giving the information and claims that giving the plan could affect her privacy and security. The Commission therefore directs the PIO to provide the attested copies of the plans of all floors after blanking out the internal walls under Section of the RTI Act”.

Writ Petition No : 5715/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition upheld the order of the CIC and dismissed the petition while observing,

“The counsel for the petitioner has urged that the site plan is personal information of the petitioner within the meaning of Section 8(1)(j) of the RTI Act and is thus exempt from disclosure. On enquiry, what is personal about the said site plan, the counsel for the petitioner states that Mr. Mohinder Kumar Mehra with the knowledge of the layout of the house may enter the house and cause injury and hurt the petitioner as he has already done in the past.

The CIC having directed the supply of the plans only after blanking out the internal walls, such apprehensions of the petitioner are without any basis. Even otherwise, it is highly doubtful that a son would not know the layout of the house of his mother.

The Division Bench of this Court in judgment dated 1st August, 2011 in LPA No.145/2011 titled Delhi Metro Rail Corporation Ltd. Vs. Sudhir Vohra has directed disclosure of such drawings

No error is therefore found in the order of the CIC. There is no merit in the petition. The same is dismissed”

Status : Disposed of on 10.08.2011.

SECTION 11

CIC/Legal/DEL/2015/027

CIC Order No. : CIC/SA/C/2014/000046.

Operative Section : Section 11 of RTI Act.

Brief of CIC Order :

CIC directed the petitioner to provide the information sought by respondent upon following third party procedure, as provided in Section 11(1) of the Right to Information Act, 2005.

Writ Petition No. : 61/2015, Delhi High Court.

Issue :

Whether petitioner i.e. Holy Family Hospital is a public authority or not.

Brief of Court Order :

Court set aside the order of CIC and remanded the matter back to the CIC for fresh determination. Court observed,

“The CIC will re-hear the matter and determine all the issues arising there from. The CIC, will also grant time to the petitioner to file a response to the appeal preferred by respondent no 4”.

Status : Disposed of.

CIC/Legal/2015/014

CIC Order No : CIC/YA/A/2014/001212.

Operative Section : Section 11 & 19(8)(a)(v).

Brief of CIC Order :

Commission observed,

“Keeping in view, the peculiar facts and circumstances of the case where information is already in public domain and therefore, it is incumbent upon the commission to caution the Appellate Authority and make him conscious about the rights of a third party, which are as much as important and fundamental as the right of individual to seek information. The due process prescribed in revealing third party information ought to have been strictly followed and while stepping into the place of the CPIO, the FAA should have taken due note of the process for revealing third party information, as prescribed under the RTI Act, 2005.

In these circumstances, the Commission is unable to provide any substantive relief to the appellant as the information is already in the hands of the contending party/wife, and recalling it will be an infructuous exercise”.

Commission quashed the order of the FAA and also directed the respondent public authority to provide adequate training to CPIOs & FAAs so that they can discharge their duties with greater responsibility and do not commit such fatal errors that can change the course of private litigation in favour of a particular party.

Writ Petition No : 5305/2014, Delhi High Court.

Issue : Not framed.

Brief of Single Bench Order:

The petition was dismissed while making following observation’

“The effect of the order sought by the petitioner would be that respondent no.4 would be precluded from making her claim on the basis of information in question before an appropriate Court. In my view, this would be neither appropriate nor fair”.

L.P.A No. : 692/2014, Delhi High Court.

Brief of Court Order:

The appeal was dismissed while observing,

“The interference by us at this stage is not warranted on any ground whatsoever”.

Status : Disposed of on 14.10.2014.

CIC/Legal/2015/122

CIC Order No : CIC/WB/A/2007/01257

Operative Section : Section 11 & 19(4) of RTI Act.

Brief of CIC Order :

Commission while issuing a show cause notice against the PIO observed,

“A show cause notice is being issued to her, and she is directed to present herself before the Commission to show cause why penalty should not be levied on her. She will present herself before the Commission at the above address on 2 December, 2008 at 3.00 p.m. along with her written submissions showing cause why penalty should not be imposed on her as mandated under Section 20(1). She shall also produce evidence of having furnished the information to appellant. The deemed PIO EE (B) from whom the PIO had sought the information will also be directed to present herself before the Commission and show cause why penalty should not be levied on her as per provision of Section 20(1).

Writ Petition No : 8363/2008, Delhi High Court.

Issue :

Whether the Commission's order was right having regard to the circumstances of the case.

Brief of Court Order:

Court allowed the petition and set aside the order of the Commission while observing,

“ Learned counsel for the petitioner states that they shall furnish details of salary paid to the respondent no.4 along with photocopies of the salary registers/vouchers for payment of salary for the last ten years within a period of fifteen days. The statement made by the counsel for the petitioner is taken on record and the petitioner will be bound by the said statement. The said details will be furnished and sent to the respondent No.4 by registered post within a period of fifteen days from today”

Status : Disposed of on 15.09.2009.

CIC/Legal/2011/054

CIC Order No : CIC/AD/A/2009/001513
Operative Section : Section 8(1) (j) & 11(1) of the RTI Act.
Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the copy of the panel proceedings as laid down in Decision No. CIC/WB/A/2009/000420, 582 & 602 , the relevant portion of which is reproduced below,

“The objective of a DPC decision cannot be to recommend promotions in a clandestine manner or behind a veil. We agree that if such disclosure is made, at a time when the DPC is under process or even when its recommendations have not been finally accepted, such disclosure could conceivably affect the competitive position of third parties. On the other hand, the relative assessment being the key to the decision of the DPC in an activity in which the comparative merits of different candidate for promotion are made with full gravity and reflection, it will surely will be the right of every candidate to know as to how he stands assessed at the time of his consideration, with the understanding that this will enable him to represent on the basis of fact and not conjecture.

In light of the above, we must come to the conclusion that the relative assessment attached with the DPC cannot be held as exempt. This has become inevitable in consequence of the decision of the Supreme Court of India in Dev Dutt Vs U.O.I(SLP No. 3114 of 2007) in light of which earlier ruling of this Commission cited by CPIO cannot hold. Copies of the original relative assessment in the present case will, therefore, be provided to the appellant”.

With regard to the supply of ACRs of three officers to the appellant, the Commission on careful consideration of the facts and the circumstances of the case and also the submission of the Appellant directs the PIO to follow the procedure laid down in Section 11(1) of the RTI Act for information belonging to a third party and to take decision based on the submissions of the third party.

Writ Petition No : 4735/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the ACRs of third party to the appellant in the facts of the case.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission. Court observed,

“In the instant case, the information sought by the respondent pertains to the ACRs of Shri N. Jayaram, O.P. Kala, Vijay kumar who are government servants and the DPC proceedings so conducted. As I have already observed that ACRs of these employees are confidential documents. The reasons provided by the respondent are not convincing enough to establish before this court that disclosure of ACR details of the said three persons and the DPC proceedings is important for larger public interest. Learned counsel for the respondent has established no grounds for the same. Merely because the respondent wants to avail such information, does not form a substantial reason so as to why this Court should allow disclosure of such information. In the absence of any cogent reasons brought on record to establish the necessity of disclosure of the information sought by the respondent in the interest of public this Court is not inclined to violate the right to privacy of the said three public officers which is a Fundamental Right embedded in our Constitution”.

Status : Disposed of on 30.04.2011.

SECTION 12

CIC/Legal/DEL/2015/088

CIC Order No : Not applicable
Operative Section : Section 12 of RTI Act.
Brief of CIC Order : Not applicable
Writ Petition No : 12918/2009, Delhi High Court.
Issue :

Whether Court can lay down specific criteria of suitability for the post of Chief Central Information Commission and direct the Commission to follow any particular procedure in making appointments.

Brief of Court Order :

Court while dismissing the petition observed,

“We are of the view that the prayers made are incapable of being granted by this court. It is not for this Court to lay down the specific criteria of suitability for the post of Chief Information Commissioner. Also it is not possible for this court to direct the respondents to follow any particular procedure in making such appointment.

In the considered view of this Court the concerns expressed in this petition are to be addressed by the Parliament. The Petitioners might want to build public opinion through a wide consultative process and thereafter persuade the Parliament to bring about the necessary amendments, if any, to the Right to Information Act, 2005”.

Status : Disposed of on 18.11.2009

Section 18

CIC/Legal/DEL/2016/004

CIC Order No : CIC/SA/A/2015/000693

Operative Section : Section 18 of RTI Act.

Brief of CIC Order :

The commission ordered the respondent to disclose the information as asked by the petitioner.

Writ Petition No : 11106/2015, Delhi High Court.

Issue :

Whether a writ would be maintainable for enforcement/implementation of the orders of CIC

Brief of Court Order :

The petition was disposed of with liberty to the petitioner to approach the CIC with a complaint of non-compliance by the respondent of the CIC Order dated 05.08.2015.

The Court was also of the opinion that the remedy for enforcement of the order of CIC is by filing a complaint of non-compliance before CIC and not by way of Writ Petition.

Status : Disposed of on 30.11.2015.

CIC/Legal/DEL/2015/050

CIC Order No :CIC/AD/C/2012/002204,CIC/AD/C/2012/002124/
CIC/AT/A/2007/01242 & 01476/SG/5456 and
CIC/SS/A/2010/000590

Operative Section : Section 18 of RTI Act.

Brief of CIC Order :

Commission in CIC/AD/C/2012/002204 ordered the PIO to inform the complainant categorically in writing the dates on which SHO, Hauz Khaz had requested for the letter dated 12.07.01 and the letters by which they had replied to the police that such a letter is not available in their records. A copy of the latest letter received from SHO, Police station Hauz Khaz may also be shared with the complainant.

Commission in CIC/AD/C/2012/002124 directed the PIO, Vigilance Branch, DJB, to provide a copy of the complete file to the appellant within 20 days from the receipt of the order from PIO, DJB.

Commission in CIC/AT/A/2007/01242 & 01476/SG/5456 directed the PIO to give information as asked by the appellant and also to facilitate a joint inspection with the appellant of the locations mentioned in the application on 19 november 2009 at 11.00 a.m.

CIC in CIC/SS/A/2010/000590 directed the respondent to provide a copy of letter dated 28.10.2010 to the appellant, free of cost, within 7 days of receipt of the Commission's order.

Writ Petition No : 5654/2014, Delhi High Court.

Issue :

Whether Court can direct the local police for registration of F.I.R. and whether direction can be issued to the Chief Information Commissioner to constitute a bench for disposing of an appeal.

Brief of Court Order :

Court dismissed the petition while observing,

“It does not lie in the mouth of the petitioner to contend that by filing the writ petition a direction can be issued to the local police for the purpose of registration of an FIR”.

“The other relief claimed by the petitioner for directing the Chief Information Commissioner to constitute a bench, larger or smaller, is essentially

the power of the Chief Information Commissioner of Information and not the power of the High Court”.

Status : Disposed of.

CIC/Legal/2012/074

CIC Order No : CIC/SS/C/2012/000336

Operative Section : Section 18 of the RTI Act.

Brief of CIC Order :

CIC while deciding the complaint remitted the case back to CPIO, Customs Excise & Service Tax Appellate Tribunal with following directions:

- i) In case no reply has been given by CPIO to the complainant to his RTI request dated 14.2.2012 CPIO should furnish a reply to the Complainant within two weeks of receipt of this order.
- ii) In case CPIO has already given a reply to the Complainant in the matter, he should furnish a copy of his reply to the complainant within one week of receipt of this order.
- iii) CPIO should invariably indicate to the complainant the name and address of the 1st Appellate Authority, before whom the complainant can file first appeal, if any.

Writ Petition No : 8755/2012, Delhi High Court.

Issue :

Whether the Commission was right to direct CPIO to provide information while considering a complaint under section 18 of the RTI Act.

Brief of Court Order :

Court while deciding the petition set aside the impugned order of the Commission and directed the Commission to dispose of the complaint of the petitioner within four months from the date of the order, in accordance with the procedure prescribed in the Act. Court observed,

“there can be no dispute that while considering a complaint made under section 18 of the Act, the Commission cannot direct the concerned CPIO to provide the information which the complainant had sought from him. Such a power can only be exercised when a second appeal in terms of Sub-section (3) of Section 19 is preferred before the Commissioner.

As regards, the grievances expressed by the petitioner that the Commission, despite its , despite its attention being drawn to the decision of the

Apex court continues, while considering a complaint under section 18 of the Act, to direct the concerned CPIO to provide information instead of deciding the complaint on merits, it is expected that the Commission henceforth will decide the complaints on merits instead of directing the CPIO to provide the information which the complainant had sought. Of course, it would be open to the Commission to give such a direction while entertaining a second appeal under sub-section (3) of Section 19 of the Act”.

Status : Disposed of on 28.10.2013.

CIC/Legal/2011/072

CIC Order No : CIC/SG/A/2010/001025**Operative Section** : Section 18 of the RTI Act.**Brief of CIC Order** :

Commission while deciding the matter summoned the Additional Commissioner, MCD Mr. Manish Gupta under its powers under Section 18 of the RTI Act to explain to the Commission how the RTI Act can be implemented by MCD if senior officers take such a position which would make it impossible for the RTI Act to be implemented. Commission made following observation,

The Additional Commissioner (Engineering) Mr. Manish Gupta has stated that the Commission should ask only PIOs of MCD or Appellate Authority to provide the information. He has further stated that since he is neither the PIO nor the Appellate Authority under the RTI Act, he cannot be asked to furnish the information. The Additional Commissioner has further informed the Commission that various functions are performed by different officers in MCD and the Additional Commissioner states that various offices made efforts in different offices and none of the offices states that they have the sanctioned plan. The Commission notes that no categorical statement has been made whether the sanctioned plan is available anywhere in MCD or not. The Additional Commissioner implies that no statement can be made whether the sanctioned plan is available anywhere in MCD or not and various PIOs can only be expected to state whether they have the information or not. The Commission sees this as an unacceptable position, since it is now claimed that a citizen cannot get any definite information on whether some information is available with MCD or not. By this logic a citizen may never be able to access information since various PIOs in a public authority would only state that they do not have the information and if information is available somewhere within the public authority the citizen would be expected to locate where the information is. The Commission feels that this is an attempt to deny the information by adopting a questionable tactics and would render the RTI Act completely useless. The Commission is inquiring into this technique of the Additional Commissioner in stating that no definite statement can be made the sectioned plan is available anywhere in MCD or not.

Writ Petition No : 6789/2011, Delhi High Court.**Issue** :

Whether the Commission was having jurisdiction in ordering the presence of Additional Commissioner (Engineer) before the Commission to explain as to how information can be obtained from the MCD.

Brief of Single Bench Order :

Court while allowing the petition set aside the order of the Commission directing the Additional Commissioner (Engineering) to be personally present as well as to provide relevant information while quoting a Division Bench order in Delhi Development Authority Vs CIC and Anr, in which it was held,

“There is no doubt that while the Central Information Commission is conducting an inquiry into a matter under Section 18 of the said Act, it has the powers to summon and enforce the attendance of persons and compel

them to give written or oral evidence on oath and to produce the documents or things. But, it is only for the purposes of giving evidence and to produce documents or things that a person may be summoned by the Central Information Commission. This power of summoning for the purposes of evidence cannot be read as a general power to call any person for any purpose in the course of hearing before the Central Information Commission. In the present case, the Vice-Chairman, DDA was not summoned

for either giving oral evidence or written evidence or to produce any documents or things in his possession. He was directed to be present for other reasons. That power is not there with the Central Information Commission. Such a power only exists in courts of plenary jurisdiction. The Central Information Commission is not a court and certainly not a body which exercises plenary jurisdiction. The Central Information Commission is a creature of the statute and its powers and functions are circumscribed by the statute. It does not exercise any power outside the statute. There is no power given by the statute to the Central Information Commission to call any person or compel any person to be present in a hearing before it in the proceedings under the Act, except for the purposes of giving evidence oral or written or for producing any documents or things. Thus, no adverse inference could have been drawn for the absence of the Vice-Chairman, DDA in the proceedings held on 03.09.2009. This question is also answered in the negative.”

Court also observed that since the proceedings before the Commission have been adjourned sine die, the matter is directed to be listed before the Commission on 10 February, 2014.

L.P.A No : 257/2014, Delhi High Court.

Brief of Court Order :

Court while deciding the matter observed,

“The learned counsel appearing on behalf of South Delhi Municipal

Corporation reiterates that there is no sanctioned building plan available with the respondent South Delhi Municipal Corporation in respect of the said school building. In this view of the matter, no useful purpose would be served by summoning any person to produce a record which does not exist.

The learned counsel for South Delhi Municipal Corporation states

that a copy of I.P. Index Register as well as any underlying record which would demonstrate the respondents ownership in respect of the property in issue, would be produced before the CIC.

For this purpose, the proceedings before the CIC be listed on 15.04.2014 in the first instance”.

Status : Disposed of on 24.03.2014.

SECTION 19

CIC/Legal/MP/2016/046

CIC Order No: CIC/A/2014/001985, CIC/CC/A/2015/002189
Operative Section : Section 19 of RTI Act.
Brief of CIC Order : Pending at the time of filing of Writ Petition
Writ Petition No : 3851/2016, Madhya Pradesh High Court.
Issue : Not framed.
Brief of Court Order :

The petition was disposed of with a direction to the respondent no.2 namely, the Central Information Commission, New Delhi to consider and decide the appeal preferred by the petitioner, expeditiously, preferably within a period of 30 days from the date of receipt of the certified copy of the order passed by a speaking order.

Status : Disposed of 08.02.2016.

CIC/Legal/MP/2016/045

CIC Order No: CIC/CC/A/2014/001985, CIC/CC/A/2015/002189.

Operative Section : Section 19 of RTI Act.

Brief of CIC Order : Pending at the time of filing of Writ Petition

Writ Petition No : 3853/2016, Madhya Pradesh High Court.

Issue : Not framed.

Brief of Court Order :

The petition was disposed of with a direction to the respondent no.2 namely, the Central Information Commission, New Delhi to consider and decide the appeal preferred by the petitioner, expeditiously, preferably within a period of 30 days from the date of receipt of the certified copy of the order passed by a speaking order.

Status : Disposed of on 08.02.2016.

CIC/Legal/DEL/2015/086

CIC Order No : CIC/SG/A/2012/000607.

Operative Section : Section 19(8) of RTI Act.

Brief of CIC Order :

Commission allowed the appeal and directed the Secretary, Ministry of Tourism to inquire into the matter as directed and send a report to the appellant and the Commission before 15 June 2012.

Writ Petition No : 3660/2012, Delhi High Court.

Issue :

Whether the Commission has the power under RTI Act to direct an inquiry into any matter or not.

Brief of Court Order :

Court dismissed the petition with the following observation,

“I find no merit in the writ petition and the same is hereby dismissed. The interim order dated 1.6.2012 stands vacated. In my view, the inquiry conducted by the petitioner in compliance of the order passed by the Commission on 17.4.2012 was not at all satisfactory. It is, therefore directed that a thorough and meaningful inquiry in terms of the provisions of the directions of the Commission be carried out by an officer not below the rank of a Joint Secretary to the Government within eight weeks from today and a copy each of the said report shall be provided to the Commission as well to the respondent before this Court.

Status : Disposed of on 13.09.2013.

CIC/Legal/2015/014

CIC Order No : CIC/YA/A/2014/001212.
Operative Section : Section 11 & 19(8)(a)(v).
Brief of CIC Order :
Commission observed,

“Keeping in view, the peculiar facts and circumstances of the case where information is already in public domain and therefore, it is incumbent upon the commission to caution the Appellate Authority and make him conscious about the rights of a third party, which are as much as important and fundamental as the right of individual to seek information. The due process prescribed in revealing third party information ought to have been strictly followed and while stepping into the place of the CPIO, the FAA should have taken due note of the process for revealing third party information, as prescribed under the RTI Act, 2005.

In these circumstances, the Commission is unable to provide any substantive relief to the appellant as the information is already in the hands of the contending party/wife, and recalling it will be an infructuous exercise”.

Commission quashed the order of the FAA and also directed the respondent public authority to provide adequate training to CPIOs & FAAs so that they can discharge their duties with greater responsibility and do not commit such fatal errors that can change the course of private litigation in favour of a particular party.

Writ Petition No : 5305/2014, Delhi High Court.

Issue : Not framed.

Brief of Single Bench Order:

The petition was dismissed while making following observation’

“The effect of the order sought by the petitioner would be that respondent no.4 would be precluded from making her claim on the basis of information in question before an appropriate Court. In my view, this would be neither appropriate nor fair”.

L.P.A No. : 692/2014, Delhi High Court.

Brief of Court Order:

The appeal was dismissed while observing,

“The interference by us at this stage is not warranted on any ground whatsoever”.

Status : Disposed of on 14.10.2014.

CIC/Legal/2015/133

CIC Order No : 2570/IC(A)/2008.

Operative Section : Section 19(8)(b) of RTI Act.

Brief of CIC Order :

Commission while allowing the appeal observed,

“The CPIO is directed to furnish the entire details relating to the reference made by the Ministry of Power to the NTPC along with the replies given to MOP, including the “file noting” in the matter, within 15 working days from the date of issue of this decision. The appellant, along with Shri Gautam Kaul who was present during hearings, would be free to inspect the relevant documents on the date and time mutually convenient to the parties, within 15 working days from the date of issue of this decision.

The NTPC is required to pay a suitable compensation under section 19(8)(b) of the Act for all kinds of losses and other detriment suffered by the appellant in the process of securing justice through different ways, including accessing information that could reveal the fact about his claim for the right to work”.

Writ Petition No : 5403/2008, Delhi High Court.

Issue :

Whether CIC has exceeded its jurisdiction under Sections 18 & 19 of the RTI Act 2005 in issuing the directions in the impugned order.

Brief of Court Order:

Court set aside the directions in para 16 (ii) and 16 (iii) of the impugned order of the CIC while observing,

“This Court is of the considered view that there was no occasion for the CIC to issue the directions contained in para 16 (ii) and (iii) of the impugned order. Those directions were entirely outside the scope and powers of CIC under the RTI Act.

Status : Disposed of on 09.03.2010.

CIC/Legal/2015/122

CIC Order No : CIC/WB/A/2007/01257

Operative Section : Section 11 & 19(4) of RTI Act.

Brief of CIC Order :

Commission while issuing a show cause notice against the PIO observed,

“A show cause notice is being issued to her, and she is directed to present herself before the Commission to show cause why penalty should not be levied on her. She will present herself before the Commission at the above address on 2 December, 2008 at 3.00 p.m. along with her written submissions showing cause why penalty should not be imposed on her as mandated under Section 20(1). She shall also produce evidence of having furnished the information to appellant. The deemed PIO EE (B) from whom the PIO had sought the information will also be directed to present herself before the Commission and show cause why penalty should not be levied on her as per provision of Section 20(1).

Writ Petition No : 8363/2008, Delhi High Court.

Issue :

Whether the Commission's order was right having regard to the circumstances of the case.

Brief of Court Order:

Court allowed the petition and set aside the order of the Commission while observing,

“ Learned counsel for the petitioner states that they shall furnish details of salary paid to the respondent no.4 along with photocopies of the salary registers/vouchers for payment of salary for the last ten years within a period of fifteen days. The statement made by the counsel for the petitioner is taken on record and the petitioner will be bound by the said statement. The said details will be furnished and sent to the respondent No.4 by registered post within a period of fifteen days from today”

Status : Disposed of on 15.09.2009.

CIC/Legal/2012/019

CIC Order No : CIC/SG/A/2011/000846

Operative Section : Section , 8(1)(d) & 19(8)(a)(iii) of the RTI Act.

Brief of CIC Order :

CIC while allowing the complaint directed the PIO to provide the information on two points and also directed to ensure that the information as sought are displayed on the website of the Ministry before 30 January 2012 and the information is updated atleast every month. Commission also issued a show cause notice to the PIO to show cause why penalty should not be levied against him.

Writ Petition No : 459/2012, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant .

Brief of Court Order :

Court while allowing the petition set aside the Order of the Commission and remanded the matter back to CIC for fresh consideration and pass a reasoned order and directed the querist to return the entire information received by him in terms of the impugned order of the CIC to the PIO without retaining any copy thereof. Court observed,

“A perusal of the impugned order shows that no reasons whatsoever have been recorded while directing disclosure of the information sought by the querist. The defence of the PIO that the information could not be provided as it could be hit by Section 8(1)(d) has no been addressed at all. Even though information sought in category C queries was specifically in relation to the petitioner, the petitioner was not noticed.

The argument of the querist, that the reasoning adopted by the CIC is that the information should be made available by the public authority suo moto under section 4 of the Act is not correct. A perusal of the relevant paragraph of the impugned order shows that CIC has merely recorded the submission of the querist founded on section 4 of the Act. There is no finding returned by the CIC, based on any discussion, that the information sought by the querist indeed is liable to be disclosable under section 4 of the Act.

Status : Disposed of on 08.05.2012.

CIC/Legal/2012/003

CIC Order No : CIC/DS/A/2011/000140

Operative Section : Section 19(1) of the RTI Act.

Brief of CIC Order :

CIC while closing the matter observed that the complainant/appellant has not availed the first appellate channel u/s 19(1) of the RTI Act and has approached the Commission directly. Commission in its order directed the complainant/appellant to file his first appeal before the First Appellate Authority within four weeks from the date of the order.

Writ Petition No : 20799/2011, Karnataka High Court.

Issue : Not framed

Brief of Court Order :

Court while quoting the apex court judgement in Central Board of School Education Vs Aditya Bandopadhyay & Ors, allowed the petition and directed the CBSE to permit the petitioner to inspect the evaluated answer scripts of Mathematics and Computer Science.

Status : Disposed of on 03.04.2012.

CIC/Legal/2012/088

CIC Order No : CIC/DS/A/2011/001473

Operative Section : Section 19(8) (b) of the RTI Act.

Brief of CIC Order :

CIC while deciding the complaint awarded Rs 30,000/- as compensation to the appellant to be paid by the respondent due to the fact that appellant has suffered detriment on account of loss of the original medical record which is invariably required for follow-up treatment particularly in the case of a child who is in the growing phase.

Writ Petition No : 701/2012, Delhi High Court.

Issue :

Whether the Commission was right in awarding compensation to the respondent in the facts of the case.

Brief of Court Order :

Court while upholding the order of the Commission dismissed the petition while observing,

“The learned CIC had held, and rightly so, that these films are extremely important for further investigation, comparison and treatment at a later date. Considering that the said reports pertain to a minor child, and the carrying on of such investigation, particularly, MRIs entail a great deal of harassment to the patient, in my view, the compensation of Rs.30,000/- awarded by the CIC is conservative, and certainly does not call for any interference”.

Status : Disposed of on 03.02.2012.

CIC/Legal/2011/013

CIC Order No : CIC/LS/C/2009/000675

Operative Section : Section 19(8)(b) of the RTI Act.

Brief of CIC Order :

CIC while deciding the matter awarded a compensation of Rs 70,000/- to the appellant while observing,

“I have no doubt in my mind that disappearance of the relevant file from the DDA records resulting in non-supply of requested documents to the appellant amounts to denial of information, which definitely, has caused detriment to him”.

Writ Petition No : 991/2011, Delhi High Court.

Issue :

Whether the Commission was right in awarding compensation of Rs 70,000/- to the appellant.

Brief of Court Order :

Court while disposing the petition observed that as the compensation amount has already been received by the appellant, nothing else survives in the petition. However, Court made following observation,

“Since I have not examined the merits of the matter, the disposal of the writ petition would not be construed as an expression of opinion by this Court qua the impugned order”.

Status : Disposed of on 04.12.2012.

CIC/Legal/2011/055

CIC Order No : CIC/DS/C/2011/000140

Operative Section : Section 19(1) of the RTI Act.

Brief of CIC Order :

CIC while closing the matter observed,

“On perusing the papers submitted by the complainant / appellant, it is observed that he/she has not availed the first-appellate channel u/s 19(1) of the RTI Act and has approached the Commission directly.

In view of above, the complainant / appellant is advised to file his first-appeal before the First Appellate Authority, under section 19(1) of the RTI Act within four weeks of the receipt of this order. The First Appellate Authority to take action as mandated under the RTI-Act, 2005 with a speaking order in the matter”.

Writ Petition No : 20799/2011, Karnataka High Court.

Issue :

Whether the Commission was right in directing the petitioner to file first appeal before approaching the Commission in the facts of the case.

Brief of Court Order :

Court while allowing the petition following the Apex Court judgement directed the Central Board Of Secondary Education to permit the petitioner to inspect the evaluated answer-scripts of Mathematics and Computer Science.

Status : Disposed of on 03.04.2012.

CIC/Legal/2011/078

CIC Order No : CIC/WB/A/2010/000320 & 321-SM

Operative Section : Section 4(1)(a), 2(i) & 2(j), 19(8)(a) (iv) of RTI Act.

Brief of CIC Order :

CIC directed the CPIO to provide the information within 15 days if available centrally and if the information sought was not centrally available to bring it to the notice of the competent authority in the supreme court to ensure that necessary arrangements are made in future for compiling such information and disclosing it in the public domain.

Writ Petition No : 6634/2011, Delhi High Court.

Issue :

Whether CIC was right in its order or not.

Brief of Court Order :

Court partly allowed the petition and upheld the order of the Commission while observing,

The petitioner's contention that the directions of the CIC violates Article 145 of the Constitution of India is also without merit. Article 145 of the Constitution of India empowers the Supreme Court to make rules as to practice and procedure of the said court. The impugned order does not in any manner seek to alter, add or amend any practice or procedure of the court; the impugned order is limited to ensure that records are arranged and maintained in a manner so as to facilitate access to certain information.

I find no infirmity with the impugned order in so far as it directs that the records may be maintained in a manner so that the information regarding the period for which the judgments are pending after being reserved, is available with the petitioner in future.

Status : Disposed of on 04.12.2014.

CIC/Legal/CAL/2016/002

CIC Order No : Not mentioned

Brief of CIC Order : Pending at the time of filing of Writ
Petition.

Writ Petition No : 13963/2014, Calcutta High Court.

Issue : Not framed.

Brief of Court Order :

The petition was disposed of with following observation,

“the respondent no.5 is directed to consider and decide the Second Appeal filed by the writ petitioner, preferably within four weeks from the date of communication of this order to him. Needless to say, the respondent no.5 will afford a reasonable opportunity of hearing to the writ petitioner and to any person deemed necessary by him in disposal of the Second Appeal. He will pass a reasoned order, which he will communicate to the parties he has heard forthwith thereafter.

Status : Disposed of on 08.01.2015.

CIC/Legal/ALD/2016/039

CIC Order No : CIC/SH/A/2014/003178
Brief of CIC Order : Pending at the time of filing of Writ Petition but as of now disposed of.
Writ Petition No : 17777/2015, Allahabad High Court.
Issue : Not framed.
Brief of Court Order :

The petition was disposed of with following observation,

“the Commission may decide the appeal filed by the petitioner expeditiously, if it has not already decided”.

Not deciding the second appeal of the petitioner, the petitioner filed contempt application before the same court.

Contempt application No: 478/2016

Brief of Court Order in Contempt application :

Court disposed of the application with liberty to the applicant to move a fresh application, if order is not complied with by the opposite party within a stipulated time. The Court observed,

“Considering the facts and circumstances of the case one more opportunity is afforded to the opposite party to comply with the aforesaid order of the writ court within a further period of three weeks from the date of receipt of this order”.

Status : Disposed of on 29.01.2016.

CIC/Legal/DEL/2015/017

CIC Order No : CIC/VS/A/2014/002150

Brief of CIC Order : Pending at the time of filing writ petition

Writ Petition No. : 1763/2015, Delhi High Court.

Issue/grievance :

Non disposal of second appeal of petitioner by CIC

Brief of Court Order :

The Court disposed of the petition with a direction to the CIC to dispose of the appeal as expeditiously as possible, though not later than eight weeks from the date of the order.

Status : Disposed of.

CIC/Legal/DEL/2015/033

CIC Order No. : CIC/CC/A/002263/VS

Brief of CIC Order : Pending at the time of filing of Writ
Petition.

Writ Petition No. : 3283/2015, Delhi High Court.

Issue :

Whether all appeals relating to the armed forces are only dealt by the Chief Information Commissioner and whether there is any acting Chief Information Commissioner in office.

Brief of Court Order :

The Court disposed of the Writ Petition with a direction that the petitioner's pending appeal would be taken up for adjudication by the senior most Information Commissioner.

Status : Disposed of.

CIC/Legal/DEL/2015/042

CIC Order No : CIC/CC/A/2014/900031

Brief of CIC Order : Pending at the time of filing of writ
Petition.

Writ Petition No : 7762/2014, Delhi High Court.

Issue : Not applicable.

Brief of Court Order :

Court while disposing of the present Writ Petition directed the Commission to dispose the appeal as expeditiously as possible preferably within a period of six months from the date of the order with following observation:

“ One is not aware of the workload before the CIC and, therefore, no direction for hearing the appeal or any specified date can be issued”.

Status : Disposed of.

CIC/Legal/DEL/2016/008

CIC Order No : CICSA/A/2015/000081

Brief of CIC Order :

The commission directed the respondent authority to furnish copies of applications of the persons mentioned in the RTI application to the appellant after blocking the personal information such as mobile numbers and the addresses in the said applications, within 20 days from the receipt of the order.

Writ Petition No : 9207/2015, Delhi High Court.

Issue : Not framed.

Brief of Court Order :

Court while dismissing the petition observed:

“It is clarified that the order of the CIC is only an order for ‘consideration’. Needless to state that the directions in this petition substitute the directions in the impugned order.”

Status : Disposed of 18.11.2015.

CIC/Legal/GUJ/2016/031

CIC Order No : Not applicable.

Brief of CIC Order : Not applicable

SPECIAL Criminal Application: 384/2016,Gujarat High Court.

Prayer in the Application :

The petitioner has prayed for parole so as to attend the hearing before the Central Information Commission

Brief of Court Order in the application:

The application was disposed of with following directions to the Commission :

a) The Central Information Commission, New Delhi as well as Jail Superintendent, Ahmedabad Central Jail has to disclose on record of this petition that whether they are able to establish a video conference for hearing of the appeal in question preferred by the present petitioner or not.

b) Till such information is disclosed and till possibility of video conferencing or presence of petitioner is confirmed for hearing such appeal, the Central Information Commission is requested not to proceed further in the appeal ex-parte in absence of the appellant, since he is in jail and since this court is directed to send Yadi of this order at the earliest even by fax to both the above authorities i.e. Central Information Commission, New Delhi as well as Central Jail, Ahmedabad.

Status : Disposed of on 19.01.2016.

CIC/Legal/DEL/2016/011

CIC Order No : CIC/CC/A/2014/00372,
CIC/RM/A/2014/001449, 001450,
001461, 110462 & 001465

Brief of CIC Order :

The Commission disposed of the appeal and held that the action of the respondent is in conformity with the RTI Act and no action is required in the matter at the level of the Commission.

Writ Petition No : 97/2016, Delhi High Court.

Issue : Not framed.

Brief of Court Order :

The petition was dismissed being not maintainable and Court made following observation,

“The Central Information Commission has after recording the respondent’s statement that all the information is available on its website, further recorded the respondent’s statement that if the appellant/petitioner seeks any specific information, it will be provided to him.

The admitted position is that, in pursuance to the aforesaid undertaking, the petitioner has not approached the respondent”.

Status : Disposed of 12.01.2016.

CIC/Legal/BOM/2016/024

CIC Order No. : CIC/SM/A/2010/001573/SG

Brief of CIC Order :

CIC directed disclosure of information (such as, legal & allied administrative expenses , amount paid towards lawyer's fee with copy of receipt etc.)

Writ Petition No. : 8328/2011, Bombay High Court.

Brief of Court Order in writ petition:

Court upheld CIC's order, while observing that CIC has not directed anything which would cause a breach or violation of the secrecy or confidentiality of agreement or clause of such nature in any agreement with the borrower.

LPA No. : 128/2013

Issue:

Whether Single Bench has committed an error in upholding CIC's order.

Brief of Court Order in LPA:

Division Bench dismissed the appeal. It was held that the approach of Single Judge was reasonable, sound and in tune with the purport of legislation.

Status : Disposed of on 15/12/2015.

CIC/Legal/DEL/2016/022

CIC Order No. : CIC/RM/A/2013/000865

Brief of CIC Order :

CIC in its decision held that the issue relating to disclosure of IT Returns of MPs/MLAs on the ground of larger public interest is pending with a larger bench. Chief Information Commissioner may club this file with the pending appeals.

Writ Petition No. : 308/2016, Delhi High Court.

Issue : Not framed.

Brief of Court Order:

Court while dismissing the petition observed,

“ This Court takes judicial notice of the fact that there is a huge pendency of matters before the Information Commissioners.

This Court does not deem it appropriate to give direction to expedite the hearing especially when the matter is clubbed with a number of other matters, where common questions of law are involved”.

Status : Disposed of on 18/01/2016.

CIC/Legal/DEL/2015/015

CIC Order No. : CIC/LS/A/2013/000696 & 97

Brief of CIC Order :

CIC ordered the disclosure of information relating to copies of letters received by CPRI seeking clarifications about Sergi equipment, copy of file notings and list of power utilities on payment of requisite fee in 04 weeks time.

Writ Petition No. : 6709/2014, Delhi High Court.

Issue/grievance :

The only grievance of petitioner in the writ petition is that he has not been given "certified copy" of CIC's Order, whereby his appeals (No. CIC/LS/A/2013/000696 & 697) were disposed of by CIC, despite several requests.

Brief of Court Order :

Court disposed of the petition with a direction to the CIC to supply certified copy of order disposing the appeals of petitioner within 6 weeks time.

Status : Disposed of.

CIC/Legal/DEL/2015/039

CIC Order No : **CIC/SM/A/2013/002347/KY**

Brief of CIC Order :

CIC ordered the disclosure of information in respect of issue no. 4.1,4.8,4.10,4.4 & 4.5 i.e. details of the number of disciplinary Committee cases pending as on date with disciplinary Directorate and since when giving break-up of cases under un-amended Act and Amended Act, details of job profile, duties of all officers/staff in Disciplinary Directorate, details of responsibilities of all officers/staff in Disciplinary Directorate, copy of appointment letter of Mrs Vandana Nagpal as Director and the procedure adopted while selecting the same as Director. With regard to other issues in the RTI application, the CIC hold itself in agreement with the response of the CPIO's view. The respondents were directed to provide complete and categorical information against issues as allowed by the Commission within 30 days from the receipt of this order under intimation to the Commission.

Writ Petition No. : 2064/2014, Delhi High Court.

Issue :

Whether CIC was right in granting disclosure of information with regard to point 4.9 & 4.10 i.e. copy of appointment letter of Mrs Vandana Nagpal as Director and the procedure adopted while selecting the same as Director.

Brief of Court Order :

Court set aside the order of the CIC in so far it directed the disclosure of information in respect of point no 4.9. Also, the petitioner was directed to provide information to the respondent with regard to the procedure for selection of Ms Vandana Nagpal, as was directed by the CIC within a period of four weeks from the date of the order.

Status : Disposed of.

CIC/Legal/DEL/2015/040

CIC Order No : **CIC/SS/A/2013/002044/KY**

Brief of CIC Order :

The appeal of the appellant was accepted in toto by the Commission and the respondents were directed to provide the complete and categorical information to the appellant within a period of 30 days from the date of the order under intimation to the commission.

Writ Petition No. : 4810/2014, Delhi High Court.

Issue :

Whether the information asked by the respondent should be disclosed or not.

Brief of Court Order :

Court directed the petitioner to provide the identity number of cases, the date of receipt of information/complaint and the status of the case within a period of four weeks. However, the names of the individual members or firms need not be mentioned by the petitioner.

Status : Disposed of.

CIC/Legal/DEL/2015/087

CIC Order No : CIC/SG/A/2011/003481

Brief of CIC Order :

Commission allowed the appeal and directed the PIO to provide the complete information as per available records to the appellant before 20 february 2012.

Writ Petition No : 2232/2012, Delhi High court.

Issue :

Whether the disclosure of information as ordered by the CIC was justified on the facts and circumstances of the case.

Brief of Court Order :

The petition was disposed of with a direction that the order shall be complied within four weeks and following observation was made by the court,

“the respondent can have no valid objection to provide the information as to whether the visa was issued in the name of Ms. Neeru Duggal or not. It can have no valid objection to give the details of the passport including the dates of its first issue and subsequent renewals, if any. There can be objection to disclose the nature of the documents submitted with the application, without disclosing the contents of those documents, since no personal information is disclosed in disclosing the nature of the documents alone. Similarly, there can be no objection to give the name of the police station from which the police verification was got done. The information as regards the foreign visits undertaken by the passport holder is not supposed to be available with the Regional Passport Office, and, therefore, cannot be provided by it. The information at serial no 7 (what is the marital status of Neeru Duggal as per the records? If married then provide the name/address of the husband) and serial no. 8 (does the name of Neeru Duggal figure as a mother/guardian in any passport of a minor? If yes then provide the details of the same), however, being personal in nature cannot be disclosed”.

Status : Disposed of on 17.09.2103

CIC/Legal/DEL/2015/092

CIC Order No : CIC/SM/A/2011/001848,1849 & 1850.

Brief of CIC Order :

CIC directed the CPIO of the Rajya Sabha Secretariat to invite the Appellant on any mutually convenient date within 15 working days of receiving this order to show the applicant or his representative all the records and files relating to the queries made by the applicant in his three separate RTI applications. After inspection, if the Appellant or his representative would choose to get the photocopies of any of those records and documents, the CPIO shall provide the same to the applicant against payment of the usual photocopying charges.

Writ Petition No : 5095/2013, Delhi High Court.

Issue : Not framed.

Brief of Court Order :

Court dismissed the petition as withdrawn and observed,

“After arguments, the learned counsel for the petitioner seeks to withdraw the writ petition to approach the Commission for ventilation of his grievance that the order passed by the Commission has not been complied with in all respects”.

Status : Disposed of on 14.08.2013.

CIC/Legal/DEL/2015/100

CIC Order No : CIC/WB/C/2005/001248/SS

Brief of CIC Order :

CIC directed the respondent i.e. Delhi Police, South district, Delhi, to furnish a copy of the enquiry report without disclosing the names of witness, within 15 days of receipt of this order.

Writ Petition No : 1644/2010, Delhi High Court.

Issue : Not framed.

Brief of Court Order:

Court disposed the writ with following directions,

“The petitioner will appear before the concerned CPIO on 18.09.2013 at 11.00 a.m. and the copy shall be attested and copies of the statements of the witnesses shall be supplied to him on that date”.

Status : Disposed of on 11.09.2013.

CIC/Legal//DEL/2015/099

CIC Order No : CIC/SG/A/2011/001622-AD

Brief of CIC Order :

Commission allowed the appeal of the appellant and directed the PIO to collect the relevant documents from the holder of the file i.e. Anti Corruption Branch of Delhi Police) and on the basis of the same furnish a suitable reply to the appellant corresponding to the RTI application along with copy of supporting documents, wherever required, within 4 weeks of receipt of this order. The commission also recommended that the public authority consider deciding the Appellant's case on a priority basis and declare the result of the Appellant in respect of the Grade II (DASS) examination soon preferably within 1 month of this order.

Writ Petition No : 742/2012, Delhi High Court.

Issue :

Whether Commission has jurisdiction to direct the public authority concerned to declare the result of the person who seeks the information under Right to Information Act.

Brief of Court Order:

The court disposed the writ petition with the following observation,

“It is directed that the recommendation made in paragraph 4 of the order dated 29.07.2011 passed by the Central Information Commission, recommending declaration of the result of the respondent shall not bind the petitioner and shall not be considered as a direction under RTI Act”

Status : Disposed of on 22.08.2013.

CIC/Legal/2015/097

CIC Order No : CIC/SM/A/2009/000279 & CIC/SM/C/2009/000135,
731 & 964

Brief of CIC Order :

Commission disposed of the appeal while observing,

“we therefore direct the present CPIO to forward a copy of our order to the officer concerned who was the CPIO at the relevant time and was responsible for the delay in this case and that officer must appear before us on 7.06.2010 at 11.45 AM to explain in person the reasons for the delay in this case. If he fails to appear or send his written explanation by that date, we will proceed to impose the penalty on him in terms of Section 20(1) of the Right to Information

Writ Petition No : 3381/2011, Delhi High Court.

Issue :

Whether CIC’s decision was right in the present circumstances of the case.

Brief of Court Order :

The writ petition was disposed of while observing,

“In view of the categorical affidavit filed by none other than the General Manager of the Bank, It is quite clear that the information to the extent it is not supplied to the petitioner is not available with the bank, there can be no question of granting any direction to provide the same to the petitioner”.

Status : Disposed of on 30.10.2013

CIC/Legal/2015/020

CIC Order No : CIC/SS/A/2013/002045/KY.

Brief of CIC Order :

Commission while allowing the appeal directed the respondents to provide complete and categorical information issue-wise to the appellant within 30 days from the date of receipt of this order under intimation to the commission.

Writ Petition No : 2522/2014, Delhi High Court.

Issue :

Whether Commission was right in ordering disclosure of information.

Brief of Court Order:

Court while allowing the petition set aside the order of the Commission and remanded the matter back to the CIC to consider it afresh in accordance with law.

Status : Disposed of on 10.12.2014.

CIC/Legal/2015/114

CIC Order No : CIC/OP/A/2009/000036-AD &
CIC/OP/A/2009/0000203-AD

Brief of CIC Order :

CIC directed the PIO to allow inspection of files pertaining to the information sought by the Appellant on 6.1.2010 for 2 hours and to provide certified copies of documents identified by the Appellant free of cost.

Writ Petition No : 2083/2011, Delhi High Court.

Issue :

Whether the Commission was right in concluding that the queries raised by the petitioner stand answered by the respondent.

Brief of Court Order:

Court while allowing the petition directed the respondents to specifically meet and deal with each of the queries raised by the petitioner and the same to be done within 30 days from the date of the order.

Status : Disposed of on 11.05.2012.

CIC/Legal/2015/134

CIC Order No : CIC/SM/A/2009/000950/LS

Brief of CIC Order :

Commission while deciding the appeal observed,

“ It appears to me that the matter essentially is of civil nature and needs to be decided by the court of competent jurisdiction. Even so, in the light of vehement plea of the appellant for more detailed and specific information on the paras mentioned in the RTI application, I think expedient to direct Ms. Singh to revisit the matter and provide detailed para-wise information, once again, on the basis of the available records and prevailing legal position”.

Writ Petition No : 13682/2009, Delhi High Court.

Issue : Not framed.

Brief of Court Order:

Court while declining to entertain the Writ petition observed,

“Central Information Commission has directed the Public Information officer to re-examine the matter and provide detailed para-wise information on the basis of available records and in accordance with the provisions of the Right to Information Act, 2005. I do not think this order requires interference while exercising power of judicial review under Article 226 of the Constitution of India”.

Status : Disposed of on 08.12.2009.

CIC/Legal/Del/2015/041

CIC Order No : CIC/AD/A/2012/003170-SA

Brief of CIC Order :

Commission in its order directed the PIO of respondent authority to procure the reconstructed information from the Angel School by exercising their regulatory authority available under the law within three weeks and furnish the same to the appellant. The Commission recommends the School Authorities to provide information from the reconstructed records and report the effort they have undertaken to trace the files to the PIO who in turn has to furnish the same to the appellant. The Commission also directs the PIO to complain the Commission of the Angels School doe not cooperate in tracing the files and furnishing the information sought by the appellant, so that Commission can initiate /recommend action against all of those who obstructed the furnishing of information under both RTI Act and Public Records Act.

Writ Petition No : 8755/2014, Delhi High Court.

Issue : Not framed.

Brief of Court Order:

Court dismissed the petition with liberty to the petitioner to file the proceedings under the RTI Act. However, the Court observed'

“In the opinion of this Court, a writ cannot be filed to seek an implementation of the order and judgement passed by CIC. In the event, the petitioner finds that the CIC order is not being complied with, then the petitioner has to resort to proceedings under the Right to Information Act, 2005 in particular Section 20”.

Status : Disposed of on 01.03.2016.

CIC/Legal/2014/009

CIC Order No : CIC/AD/A/2012/001089/VS.
Brief of CIC Order : Pending at the time of filing of Writ
petition.
Writ Petition No. : 25917/2013, Orissa High Court.
Issue : Not framed.
Brief of Court Order :

Court while disposing the petition directed the Registrar, Central Information Commission to ensure that case No CIC/AD/A/2012/001089/VS is disposed of expeditiously preferably within a period of four months from the date of receipt of copy of this order.

Status : 06.08.2014.

CIC/Legal/2014/013

CIC Order No : CIC/RM/A/2013/000592.

Brief of CIC Order :

CIC while disposing the appeal observed,

“In the light of the categorical submission made by the public authority, regarding non receipt of the communication in question, the Commission sees no reason to interfere with the responses of the CPIO/AA”

Writ petition No : 2261/2014,Kerala High Court

Issue :

Whether the Commission was right in its decision in the facts of the case.

Brief of Court Order :

Court while allowing the petition directed the respondent No.2 to provide information sought by the petitioner within 30 days from the date of receipt of a copy of this judgement and also directed CPIO and FAA to pay costs of Rs 3,000/- to the petitioner as petitioner was unnecessarily dragged to file the writ petition.

Status : Disposed of on 23.10.2014.

CIC/Legal/2014/032

CIC Order No :CIC/SM/C/2012/900378 to 384,SM/C/2012/000600,601,971
10 975,CIC/SM/A/2012/900540,CIC/SM/A/2012/000955,1558,1776 to 1778.

Brief of CIC Order :

Commission while allowing the appeal directed the CPIO to prepare a tabular statement listing all the complaints and representations received from the appellant/complainant, as claimed in his RTI applications, and showing, separately, the complaints and representations being dealt with in the administrative and judicial sides.

In case of second appeals, the CIC directed the CPIO to provide the desired information to the appellant by way of attested photocopies of the relevant documents including the file noting, wherever available, and any correspondence made, to the appellant.

Writ petition No : 26781/2013.

Issue :

Whether the Commission was right in its order in directing the CPIO to prepare list of the representations made by the respondent.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission while observing,

“ the first respondent-Commission itself has deprecated the practice of the second respondent herein in overloading the Registry of this Court by making several queries or complaints one after another and following the same under the RTI Act. Having found that the action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications; that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of time and resource of any public authority, as it would be against the larger public interest, the first respondent-Commission clearly erred in passing the impugned order in this Writ Petition, directing the petitioner to furnish the details to the second

respondent as well as sending a tabular statement listing all the complaints and representations received from the second respondent”.

Status : Disposed of on 17.09.2014.

CIC/Legal/2014/035

CIC Order No. : Not applicable.

Brief of CIC Order : Not applicable.

Issue :

Whether the Commission was right in returning of the complaint for removal of deficiency in the facts of the case.

Writ petition No : 2262/2014, Delhi High Court

Brief of Court Order :

Court while allowing the petition quashed the impugned letter dated 05.02.2014 of the Commission directing the petitioner to re-file the complaint before the Commission while observing,

“the impugned letter dated 05.02.2014 is quashed and the writ petition is disposed of with a direction to the petitioner to re-file the complaint. Upon such a complaint being re-filed, respondent-CIC is directed to re-process and reconsider the petitioner’s petition under section 18 under the Right to Information Act within a period of two weeks”.

Status : Disposed of on 04.04.2014.

CIC/Legal/2014/057

CIC Order No : Not applicable
Brief of CIC Order : Not applicable.
Writ petition No : 5402/2013, Delhi High Court.

Issue :

Whether the Commission was right in returning of the appeal in the facts of the case.

Brief of Court Order :

Court while allowing the petition set aside the impugned order dated 09.02.2013 of the Commission and remanded the matter back to the CIC to consider it afresh in accordance with law and uninfluenced by the period of delay.

Status : Disposed of on 30.09.2014..

CIC/Legal/2014/082

CIC Order No : Not applicable.
Brief of CIC Order : Pending at the time of filing of petition.
Writ petition No : 13963/2014, Calcutta High Court.
Issue : Not framed.
Brief of Court Order :

Court while allowing the petition directed the Commission to dispose of the second appeal filed by the petitioner preferably within four weeks from the date of communication of this order.

Status : Disposed of on 08.01.2016.

CIC/Legal/2013/014

CIC Order No : CIC/SS/A/2011/002042

Brief of CIC Order :

Commission disposed of the appeal while directing the appellant to make a fresh application along with the prescribed fee in favour of 'The Accounts officer, JNCH Nhava Sheva'.

Writ petition No : 3550/2013, Delhi High Court.

Issue :

Whether the Commission is not bound to maintain daily order sheets under RTI Act, 2005.

Brief of Court Order :

Court while deciding the petition observed,

“Since the CIC is a quasi-judicial body, this court is also of the view that its records must reflect a true and correct state of affairs. Even the Punjab and Haryana Court in Fruit & Merchant Union Vs Chief Information Commissioner & Ors, in C.W.P No. 4787/2011 had directed the State Information Commission to maintain daily order sheets.

Today, Dr. Singhi states that CIC is willing to maintain daily order sheets. He, however, prays for some time to evolve a procedure.

Keeping in view the aforesaid request, this court is of the view that the Central Information Commission must start maintaining daily order sheets within a period of six months from today”.

Status : Disposed of on 23.13.2016.

CIC/Legal/2013/051

CIC Order No : CIC/SM/A/2009/000810/LS

Brief of CIC Order :

The Commission decided the matter taking in consideration the submissions made by the respondent that he will recheck the position and intimate the appellant and also that the respondent will provide the attested copies of the Marriage deed as sought by the appellant.

Due to continuous non-compliance of the Commission's order and non-supply of the requisite information,, the appellant filed complaint before the Commission.

Writ petition No : 3385/2013, Delhi High Court.

Issue : Not framed.

Brief of Court Order :

Court while allowing the petition directed the Commission to dispose the complaint as expeditiously as possible and in any case within a period of three months from the receipt of copy of this order.

Status : Disposed of on 05.07.2013.

CIC/Legal/2013/015

CIC Order No : CIC/SS/A/2012/000695/LS

Brief of CIC Order :

The Commission closed the matter observing,

“The appellant’s stand is hyper technical in nature. Concededly, he is in receipt of the requisite information”.

Writ petition No : 3610/2013, Delhi High Court.

Issue : Not framed.

Brief of Court Order :

Court while dismissing the petition relied upon the contention raised by the learned counsel of CIC that this court while hearing a writ petition challenging a particular order cannot pass a general direction laying down the time limit for pronouncement of the judgements/orders by the Information Commissioners while observing,

“This court is in agreement with the learned counsel for the respondent CIC that the issue raised by the petitioner should be agitated by way of a public interest litigation.

Consequently, the writ petition is dismissed with liberty to the petitioner to agitate the issue raised in the present writ petition by way of a public interest litigation”.

Status : Disposed of on 22.03.2016.

CIC/Legal/2012/043

CIC Order No : CIC/SM/A/2011/000448/SG

Brief of CIC Order :

CIC while allowing the appeal directed the respondent to send a copy of the notings with the Commissioner's signature and a letter stating that he had hidden any documents when giving the inspection to the Appellant.

Writ Petition No : 2159/2012, Delhi High Court.

Issue :

Whether the Commission was right in its order in the facts of the case.

Brief of Single Bench Order :

Court dismissed the petition while observing,

"The submission of the petitioner, who appears in person, is that the information provided by the Punjab National Bank (PNB) to the CIC in response to queries raised by the petitioner before the PIO of the PNB was false. Whether or not the information provided by the PIO of the PNB to the CIC was true or false was not for the CIC to determine on its own. Such an allegation should have been supported by credible material for the learned CIC to act in the matter. If, according to the petitioner, the information provided by the PIO of the PNB was false, it was also open to the petitioner to take appropriate civil proceedings against the said bank. The jurisdiction of the CIC does not extend to determine the truth, or otherwise, of the information provided in response to the queries raised on the PIO of a public authority when such an allegation is made without any basis. The petitioner, apart from making a bald allegation that the information provided by the bank to the CIC was false, did not produce any material to substantiate that allegation. In any event, the writ jurisdiction cannot be invoked to determine such disputed questions of fact. I am, therefore, not inclined to interfere with the impugned order".

L.P.A No. : 331/2012.

Brief of Court Order :

Court disposed of the appeal observing that no further orders can be passed in the matter. Court also observed,

“ Learned counsel for the CIC submits that Appellant had been given inspection of this record and if he wants to inspect the record, he can inspect the same. Statement is also made at the Bar that the Appellant would be provided with copies of any such order or proceeding on file which the Appellant requires or wants.

In view of this, insofar as present proceedings, no further orders can be passed. We may, however, record that the Appellant states that the orders which are contained in the file as allegedly passed by the CPIO are not the genuine orders but fabricated later on. This is the contention of the Appellant for which he has appropriate remedy elsewhere and which he can avail the same”.

Status : Disposed of on 18.07.2012.

CIC/Legal/2012/090

CIC Order No : Not applicable.
Brief of CIC Order : Not applicable.
Writ Petition No : 53889/2012, Allahabad High Court.
Issue : Not framed.
Brief of Court Order :

Court while dismissing the petition observed,

“In the facts and circumstances of the case in which no reason has been given by the petitioners we find that filing of this writ petition, is not for bonafide purposes. Instead of waiting for information to be given or to approach State Information Commission, under (The) Right to Information Act the petitioners have chosen to approach the High Court under Article 226 of the Constitution of India, seeking extraordinary remedies, which can be given only to the bonafide litigants. The information sought clearly appears to serve oblique purposes. On the response to our questions put to the counsel, it is apparent that the petitioners as young advocates have filed this writ petition as a proxy for any person who has some axe to grind against the respondents. The petitioners under the Advocates Act, are not supposed to act for such purpose for their clients

Status : Disposed of on 29.10.2012.

CIC/Legal/2012/086

CIC Order No : Not applicable.
Brief of CIC Order : Pending at the time of filing of the petition.
Writ Petition No : 4852/2012, Delhi High Court.
Issue : Not farmed.
Brief of Court Order :

Court while deciding the petition directed the CIC to expeditiously dispose of the appeal of the petitioner observing,

“Having regard to the submissions of the learned counsel for the petitioner, it is deemed fit that a direction be issued to the CIC to expeditiously dispose of the appeal of the petitioner. It is ordered accordingly. The CIC will dispose of the appeal with expedition, though not later than eight weeks from today.

Status : Disposed of on 17.04.2013.

CIC/Legal/2012/091

CIC Order No : Not applicable
Brief of CIC Order : Pending at the time of filing of the petition.
Writ Petition No : 8253/2012, Allahabad High Court.
Issue : Not framed
Brief of Court Order :

Court while deciding the petition directed the CIC to dispose the pending second appeal of the petitioner while observing,

“The petitioner's second appeal under the Right to Information Act is pending before the respondent no. 1. Upon hearing learned Counsel appearing for the parties, we direct the appellate authority, respondent no. 1 herein, to decide the appeal of the petitioner, pending before him, upon giving fullest opportunity of hearing and by passing a reasoned order thereon within a period of one month from the date of communication of this order. ”.

Status : Disposed of on 27.07.2012.

CIC/Legal/2011/001

CIC Order No : CIC/SM/A/2009/001168

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide to the appellant the photocopies of the relevant records showing the adjustment of this amount against investment losses as claimed by the respondents during the hearing within 10 working days from the date of receipt of this order.

Writ Petition No : 28469/2010, Madras High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition observed,

“In the interest of justice and also to give a quietus to the issue, it is appropriate to direct the third respondent to allow the petitioner to inspect all the documents relating to the adjustment of Rs 16.59 crores as bad and doubtful. The third respondent is also required to give details about the loans which are covered by heading “bad and doubtful”. The third respondent is to be directed to give the details. Mr Av Bharathi, learned counsel for third respondent submitted that the third respondent shall permit the petitioner on 14.11.2011 at 11 A.M. to inspect the documents. On such inspection, the petitioner is required to point out the documents which are required to be supplied to him. The third respondent shall give the certified copies of all those documents pointed out by the petitioner within 10 days thereafter”.

Status : Disposed of on 09.11.2011.

CIC/Legal/2011/003

CIC Order No : CIC/AD/A/2010/001448

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide copies of minutes of meetings held during the last one year free of cost to the Appellant. The information against point 'c' may also be provided besides information against point 'd' including copies of file notings on the goods/services purchased by various departments from safety fund. Against point 'f' the PIO was directed to provide any report prepared on how addition of goods/services has enhanced safety in the railways.

Writ Petition No : 206/2010, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition upheld the order of Commission while observing,

“Every citizen of this country is concerned about the Railways safety considering the number of rail accidents one witnesses each year. There are a large number of fatalities and Railway safety is a burning issue. Public interest demands that a complete disclosure is made regarding the safety measures taken by the Railways. If the Railways collects amounts towards safety surcharge, how much of it is collected and how it is deployed should be disclosed to the querist.

Accordingly, this petition is disposed of by directing the petitioners to disclose the information desired by the respondent for the last one year period. The disclosure be made within one month from today”.

Status : Disposed of on 02.12.2011.

CIC/Legal/2011/016

CIC Order No : CIC/WB/A/2009/000380

Brief of CIC Order :

CIC while disposing of the appeal observed,

“After hearing the parties, the Commission finds that the requisite information has been provided to the Appellant by the Respondent. The Complaint petition of the Appellant’s wife has been enquired into and information thereto provided to the Appellant by the CPIO. The Appellant’s contention that the location of ASI Hari Singh was not verified from his call number is not convincing. The mode of enquiry cannot be questioned under the RTI Act”.

Writ Petition No : 8932/2011, Delhi High Court.

Issue :

Whether the Commission was right in its order in the facts of the case.

Brief of Court Order :

Court while dismissing the petition upheld the order of the Commission while observing,

“this Court does not find any error in the impugned order of the CIC”.

Status : Disposed of on 09.02.2011.

CIC/Legal/2011/039

CIC Order No : CIC/WB/A/2010/000572-SM

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information to the appellant within 10 working days from the receipt of the order while observing,

“After carefully considering the facts of the case and the submissions made by both the parties, we are of the view that the CPIO must provide the copies of the file noting in the disciplinary case against the Appellant. The file noting is not an exempted category of information even in the case of disciplinary proceedings. In the present case, since the UPSC has already tendered its advice, the file noting relating to the advice should be disclosed as desired”.

Writ Petition No : 2491/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering CPIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition upheld the order of the Commission.

Status : Disposed of on 29.10.2013.

CIC/Legal/2011/046

CIC Order No : CIC/AD/A/2011/000733

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information as sought by the appellant Dr. P.R Chauhan requesting for name and designation of reporting authority, reviewing authority and accepting the authority of his ACR's for the years 1990-93, 96-87, 98-99 & 99-2000.

Writ Petition No : 2938/2011, Bombay High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while rejecting the petition observed,

“Having perused the relevant entries in the ACRs of the relevant years, we do not find any justification for withholding the information sought by the first respondent. Respondent No.1 who is a Sr. Divisional Medical Officer, has merely sought the names of the Reporting authority, Reviewing authority and the Accepting authority”.

Status : Disposed of on 30.06.2011.

CIC/Legal/2012/102

CIC Order No : Not applicable
Brief of CIC Order : Not applicable
Writ Petition No. : 8688/2011, Delhi High Court.
Issue :

The issue raised is whether direction may be given to CIC to fill up the of vacancies Information Commissioner as well as the subordinate staff.

Brief of Single Bench Order :

Court while deciding the matter observed,

“Since the appointment of the Information Commissioners are to be made on urgent basis having regard to the quantum of appeals pending before the CIC, we would impress upon the Search Committee to complete its exercise of recommending the panel to the Selection Committee as early as possible. As the first meeting for this purpose was held on 25th November, 2011 and that too, more than 2 ½ months ago, we hope and expect that the panel shall be suggested by the Search Committee within one month from today. It is also expected that thereafter the Selection Committee shall also take final decision about the Information Commissioners.

Insofar as appointment of subordinate staff is concerned, the Status Report reveals that it has been decided in consultation with CIC that CIC should be granted autonomy in recruitment of staff keeping in view, Recruitment Rules are being framed for selection and appointment of suitable staff in consultation with UPSC.

As the decision in principle has already been taken that CIC is to be given autonomy and it is left to CIC to recruit the staff. The framing of Rules should not take time as most of the posts are similar to which are in any government establishment and those Recruitment Rules of the Government can always be adopted specifying the eligibility conditions as well as mode of recruitment etc.

We, therefore, direct this exercise of framing of Recruitment Rules be completed within a period of one month to enable CIC to start the process of recruitment”.

Brief of Division Bench Order:

Shri Tushar Mehta, Learned Additional Solicitor General informs us that after the impugned judgement and order passed by the High Court dated 20.03.2012, further developments have taken place and, therefore nothing survives in this petition for consideration and decision at this stage.

In view of the aforesaid submission, in our opinion, nothing survives in this petition for our consideration and decision. Accordingly, the Special Leave Petition is disposed of having become infructuous.

Status : Disposed of on 01.09.2014.

CIC/Legal/2012/110

CIC Order No : CIC/AT/A/2009/000428

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information as sought by the appellant .

Writ Petition No : 4059/2011, Delhi High Court.

Issue :

Whether Court can implement the Orders of the Commission and impose penalty under RTI Act,2005.

Brief of Court Order :

Court while dismissing the petition observed,

“ A perusal of the prayers made in the writ petition shows that the petitioner is seeking the implementation of the orders of the CIC through this writ petition. It is not for this Court to implement the orders of the CIC as an executing Court. The Act provides for the mechanism of levy of penalty by the CIC in case of disobedience of its order, and the failure on the part of the public authority to provide the information. Accordingly this petition is dismissed. In case the petitioner is aggrieved by the alleged non-disclosure of information by the respondents, it shall be upon to the petitioner to approach the CIC in appropriate proceedings.

Status : Disposed of on 21.12.2011.

SECTION 20

CIC/Legal/DEL/2016/040

CIC Order No. : CIC/LS/A/2011/001580

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

CIC directed the respondent (i.e. CPIO, Indian Air Force, Ministry of Defence) to trace out the relevant medical records (for the years 2005- 2008) pertaining to the appellant and supply them to him in 08 weeks time.

Writ Petition No. : 1195/2016, Delhi High Court.

Issue:

Whether a writ can be filed for executing the orders of CIC.

Brief of Court Order:

The Court dismissed the writ petition with a liberty to petitioner to avail remedies under RTI Act in accordance with law. The Court observed that a writ Court is not an executing Court of the orders passed by CIC. In the event of non-compliance of CIC orders, penalties have been prescribed in Section 20 of RTI Act.

Status : Disposed of on 12/02/2016

CIC/Legal/DEL/2016/027

CICOrder. : CIC/RM/A/2014/00064/VS,000430/VS,000512/VS,000515/VS,
000559/VS, 000560/VS, 000562/VS, 004346/VS, 004347/VS
CIC/CC/A/2104/000052, 000499/VS, 001159/VS.

Operative Section : Section 20 of the RTI Act.

Brief of CIC Order :

CIC disposed of the appeal with the observation,

Commission's intervention is not required in the matter. However, Commission advised that the appellant should he so wish, may file fresh application with the PIO prioritizing his requirement and identifying the precise information, which he wants to obtain and send the same to the PIO so that the PIO can furnish the same within the mandatory period if the information is available in their record.

Writ Petition No.: 406/2016, Delhi High Court.

Issue:

Whether denial of information was justified on the facts and circumstances of the case.

Brief of Court Order:

The Court dismissed the petition with costs of Rs 25,000/- to be paid by the petitioner to the Lok Nayak Hospital, New Delhi within a period of three weeks. The Court also observed,

“However, this Court records the assurance by learned counsel for respondents that they would abide by the statement made before CIC that if the petitioner were to file a fresh application with the PIO prioritizing his requirement and identifying the precise information, the same shall be supplied”.

Status : Disposed of on 19/01/2016.

CIC/Legal/DEL/2015/073

CIC Order No. : CIC/LS/A/2010/000815

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

Commission closed the matter and held that it would not be legally sound either to punish Shri Bundela or to award compensation to the appellant.

Writ Petition No : 83/2014, Delhi High Court.

Issue :

Whether Court can tamper or vary the punishment awarded by the CIC.

Brief of Court Order :

Court dismissed the petition with the opinion that it is normally not open in writ jurisdiction to tamper or vary the punishment that has been awarded by the CIC. Court while quoting the judgement of Supreme Court in V.Ramana vs. A.P.SRTC and Others(2005)7SCC 338 observed,

“ Consequently, in the present case as the punishment imposed does not shock the conscience of this Court, the present writ petition is dismissed”.

Status : Disposed of.

CIC/Legal/DEL/2015/090

CIC Order No : CIC/SG/A/2011/001903.

Operative Section : Section 20(1) of RTI Act.

Brief of CIC Order :

Commission imposed a penalty of Rs 23500/- on Mr. Partha Sarthy Chakarborty, AGM (HR) & Deemed PIO as there was a delay of 94 days in providing the information.

Writ Petition No : 63/2012, Delhi High Court.

Issue :

Whether the decision of the CIC was correct in the facts and circumstances of the case.

Brief of Court Order :

Court set aside the Commissions order while observing,

Learned counsel for the petitioners states that respondent No. 2 has informed petitioner no. 1 that respondent no. 2 does not wish to appear and contest the present proceedings as information has already been provided to him.

A perusal of the paper book also reveals that Central Information Commission(for short CIC) has imposed costs by way of the impugned order dated 21st December, 2011 even after permission to seek withdrawal of appeal had been filed by way of application dated 20th October, 2011. Consequently, the impugned order imposing costs upon the petitioners is set aside”.

Status : Disposed of on 17.01.2014.

CIC/Legal/2015/107

CIC Order No : CIC/SG/A/2008/00097

Operative Section : Section 20(1) of RTI act.

Brief of CIC Order :

Commission imposed a penalty of Rs 25,000/ on the PIO and observed,

As per the provisions of section 20(1), the Commission finds this a fit case for levying penalty on Mr. Kamal Meena deemed PIO. Since the delay in providing the correct information has been over 100 days, the Commission is passing an order penalizing Mr. Kamal Meena, deemed PIO for Rs. 25000/ which is the maximum penalty under the Act.

Writ Petition No : 13339/2009, Delhi High Court.

Issue :

Whether Commission was right in imposing penalty under the facts and circumstances of the case.

Brief of Court Order:

Court dismissed the petition with the observation,

“this court finds no error in the impugned order dated 11 september 2009 of the CIC”.

Status : Disposed of on 22.02.2011.

CIC/Legal/2015/125

CIC Order No : CIC/OK/A/2006/00310
Operative Section : Section 20(2) of RTI Act.
Brief of CIC Order :

Commission while imposing a penalty of Rs 25,000/ on the concerned official also directed that the inquiry be conducted afresh by a higher body that is, by Advisor (Vigilance), Railway Board observed,

The Commission under such circumstances directs the Member(Mechanical) of the Railway Board to initiate disciplinary action against Shri R.K. Sangar, PIO and Deputy Chief Mechanical Engineer/ Monitoring under the Service Rules application to him. The proceedings must be initiated within 15 working days from the date of receipt of this order, under intimation to this Commission”.

Writ Petition No : 2411/2008, Delhi High Court.

Issue :

Whether the Commission was right in imposing penalty and directing initiation of an enquiry.

Brief of Court Order:

Court while setting aside the order of the Commission observed,

“The report by the Railway Board, Vigilance Department is fairly detailed. Central Information Commission did not have benefit of the said report when the impugned order was passed. The matter is accordingly remanded back to the Central Information Commission. The Central Information Commission will also examine the question of penalty, whether any penalty should be imposed, and on whom the penalty, if any, should be imposed. As per proviso 20 of the Act, penalty may be imposed after giving reasonable opportunity of being heard. Directions imposing penalty are set aside.

In view of the aforesaid facts, the directions given by the Central Information Commission in paragraph 9, directing Member(Mechanical), Railway Board to initiate disciplinary action against R.K. Sangar, PIO and Dy. CME/Monitoring/DMW under the service rules is also set aside The question will be examined by the Central Information Commission. The petitioner will also be entitled to raise contention that the Central Information Commission cannot direct initiation of disciplinary proceedings but can only recommend initiation of disciplinary proceedings under section 20(2) of the Act.

Status : Disposed of on 11.11.2009.

CIC/Legal/2015/123

CIC Order No : CIC/OK/A/2007/00961
Operative Section : Section 20(1) of the RTI Act.
Brief of CIC Order :

Commission imposed a penalty of Rs 25,000/ on the PIO concerned for what the Commission considers wilful suppression of facts under Section 20(1) of the RTI Act and illegally denying the information and the consequent delay of more than 100 days.

Writ Petition No : 5204/2008, Delhi High Court.

Issue :

Whether the Commission was right in imposing penalty on the PIO concerned and issuing post decisional show cause notice.

Brief of Court Order:

Court while setting aside the order of the CIC observed,

“there is a clear violation of proviso to Section 20(1) of the Right to information Act, 2005. Order dated 15th December, 2007 imposing penalty of Rs 25,000/- on the petitioner cannot be sustained. It is accordingly set aside.

Counsel for the Central Information Commission has drawn my attention to order dated 23rd June, 2008. This order was passed pursuant to an application for review made by NCERT. After order dated 15th December, 2007 imposing penalty of Rs.25,000/- was passed, a show cause notice under section 20(1) of the Right to Information Act, 2005 was issued to the petitioner on 15th January, 2008. The Right to Information Act, 2005 under Section 20(1) does not envisage a post decisional show cause notice. Show cause notice has to be issued before a penalty order is passed and before any final findings are recorded for imposing penalty under Section 20(1) of the Right to Information Act, 2005.

The matter is remanded back to the Central Information Commission to decide the question whether any penalty should be imposed on the petitioner under Section 20(1) of the Right to Information Act”.

Status : Disposed of on 02.07.2009.

CIC/Legal/2014/016

CIC Order No : CIC/DS/A/2012/002131/A.

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

CIC while allowing the appeal imposed a penalty of Rs 25,000/- on Shri Akhilesh Pathak AE on account of delay in furnishing the information in response to the RTI application.

Writ petition No : 943/2014, Delhi High Court.

Issue :

Whether the Commission was right in imposing penalty or not.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission whereby penalty of Rs 25,000/- was imposed on the petitioner and remanded the matter back to the CIC for fresh consideration.

Status : Disposed of on 11.09.2014.

CIC/Legal/2014/029

CIC Order No : CIC/RM/A/2012/001156

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide to the appellant a written response in respect of the queries in his RTI application.

Writ petition No : 5293/2013, Delhi High Court.

Issue :

Whether the Commission was right in disclosure of information without issuing notice to the petitioner.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission and remanded the matter back to the CIC for fresh determination observing,
“In view of the contentions raised before me by Mr. Gupta that the petitioner herein who was impleaded as respondent no.3 was not called upon by the Central Information Commission(CIC) to file his return in the matter before passing the impugned order, I intend to set aside the order”.

Status : Disposed of on 27.042015.

CIC/Legal/2012/013

CIC Order No : CIC/AD/A/2011/001456/SG

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information to the appellant while issuing show cause notice against the PIO and directed the PIO to give reasons to the Commission to show why penalty should not be levied on him while observing,

“From the facts of the case, it appears that the PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI act. He has further refused to obey the orders of his superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given. It appears that the PIO’s action attract the penal provisions of Section 20(1)”.

Writ Petition No : 8932/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the complete information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the petition observed,

“the information sought by the respondent is not in respect of any passport holder, but in respect of the employees working in passport office, Bhopal. The second information, however, cannot be disclosed to him since the copies of application for grant of passport would contain personal details of the passport holder. However, the information at serial number 3 i.e. list of authorized agents and rules governing them should certainly be supplied to the respondent if there is any such list and rules governing authorized agents”.

Status : Disposed of on 17.09.2013.

CIC/Legal/2012/004

CIC Order No : CIC/SG/A/2011/001903

Operative Section : Section 20(1) of the RTI Act.

Brief of CIC Order :

CIC while deciding the appeal imposed of Rs 23,500/- on Mr. Partha Sarthy Chakarborty, AGM(HR) & Deemed PIO while observing,

“Since the delay in providing the information has been 94 days, the Commission is passing an order penalizing Mr Partha Sarthy Chakarborty Rs 23,500/- which is maximum penalty under the Act”.

Writ Petition No : 63/2012, Delhi High Court.

Issue :

Whether the Commission was right in imposing penalty on the PIO even after permission to seek withdrawal of appeal was filed by the appellant.

Brief of Court Order :

Court while allowing the appeal set aside the order of the Commission imposing penalty on the PIO and observed,

“A perusal of the paper book also reveals that the Central Information Commissioner has imposed costs by way of the impugned order dated 21st December, 2011 even after permission to seek withdrawal of appeal had been filed by way of application dated 20th October, 2011. Consequently, the impugned order imposing costs upon the petitioners is set aside”.

Status : Disposed of on 17.01.2014 .

CIC/Legal/2012/005

CIC Order No : CIC/SM/A/2011/001010/SG

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal imposed a maximum penalty of Rs 25,000/- upon the CPIO Mr. Narian Tatachari, Chief Manager observing that since the delay in providing information was over 100 days.

Writ Petition No : 8405/2011, Delhi High Court.

Issue :

Whether the Commission was right in imposing maximum penalty upon the CPIO.

Brief of Court Order :

Court while deciding the petition modified the order of the Commission and observed, "while the finding of the CIC that there was delay in furnishing is sustained, the direction imposing penalty of Rs 25,000/- on the petitioner No. 1 is set aside. The order is modified to the extent that the respondent shall be paid a sum of Rs. 10,000/- by the petitioner No. 2/bank on account of delay in complying the direction of the First Appellate Authority".

Status : Disposed of on 09.01.2013.

CIC/Legal/DEL/2015/026

CIC Order No. : CIC/SS/C/2013/000551/CS/07439

Brief of CIC Order :

The Commission disposed of the complaint of the petitioner and issued a show cause notice to the Public Information Officer(Delhi Police East District, Mandawali, Fazalpur P.S. Delhi-110092) for contravening the timelines prescribed in the RTI Act.

The Commission vide letter No.CIC/SS/C/2013/000551/VS/07439, dated 29/08.2014 dropped the show cause notice proceedings stating that the Commission has condoned the delay and is satisfied with the reply and hence the matter has been closed in the commission. No further correspondence will be entertained.

This letter dated 29.08.2014 has been challenged by way of present writ petition.

Writ Petition No. : 7891/2014, Delhi High Court.

Issue : Not framed as the petitioner did not press the petition.

Brief of Court Order :

Court disposed of the Writ while observing,

“Mr Mittal, who appears in person, says that he does not wish to press the writ petition. He says that the information was sought against one, Mr Yashwardhan Tiwari, with whom a settlement has been arrived at WP(C) No.1076/2015, vide order dated 23.02.2015”.

Status : Disposed of.

CIC/Legal/2012/046

CIC Order No : CIC/DS/A/2010/000360

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal issued show cause notice against the PIO and directed the PIO to give reasons to the Commission to show why penalty should not be levied on him and also awarded compensation of Rs 25,000 to the appellant while observing,

“As regards awarding of compensation to the appellant, there is undoubtedly a strong case in his favour since as per the averments due to the denial of information sought by him from the CPIO he could not defend his case in court there by resulting in substantial monetary loss and mental anguish. The appellant is at liberty to approach the court on the basis of new facts made available to him through the RTI Act and seek justice through the judicial system. In this case Commission considers that the ends of justice will be served if the appellant is awarded symbolic compensation of Rs 25,000 to be paid by the respondent within three weeks of receipt of the order along with a copy of the first survey report”.

Writ Petition No : 2558/2012, Delhi High Court.

Issue :

Whether the Commission was right in awarding compensation and issuing show cause against the PIO.

Brief of Court Order :

Court while dismissing the petition observed,

“The contention that the document was not available with the petitioner cannot be accepted as the same had not been communicated to the respondent at the material time. Further, in the given facts and circumstances of the case, the respondents claim had been repudiated and the petitioner was obliged to provide the necessary documents. Given the conduct of the petitioner, I find no reason to interfere with the compensation awarded by the CIC”.

Status : Disposed of on 03.09.2014.

CIC/Legal/2012/042

CIC Order No : CIC/SM/A/2011/000433
Operative Section : Section 7(1) & 20(1) of the RTI Act.
Brief of CIC Order :

CIC while disposing of the appeal observed,

We carefully examined the contents of the RTI application and found that much of it was in the nature of posing hypothetical questions and seeking the opinion or comment of the CPIO. Obviously, the CPIO cannot be expected to offer any such comment, clarification or opinion. All that he is expected to provide under the Right to Information, such as, copies of relevant records and documents. In this case, the CPIO has provided the available information wherever he could. There is, thus, no merit in this appeal.

Writ Petition No : 2135/2012, Delhi High Court.

Issue :

Whether the Commission was right in dismissing the appeal.

Brief of Single Bench Order :

Court while dismissing the petition imposed costs of Rs. 25,00/- paid to the Delhi High Court Legal Services Committee observed,

“I do not find any merit in this petition. The CPIO has correctly replied in response to the query No. 4 that he is not competent to give a decision in the matter. The procedure followed by the CIC is as per the Right to Information Act and the Rules framed thereunder. It is clear that the petitioner is raising wholly hypothetical questions and is seeking the opinion of the CIC, rather than seeking any definite information on any particular aspect. A perusal of the query itself shows that it does not pertain to any specific instance when, according to the petitioner, the CPIO of any other public authority has given false information report to the authorities of the CIC. It is obvious that if, according to the petitioner, any information provided by the public authority concerned is false, it is for the querist to point out that the same is false. The CIC, on its own, would obviously not come to know whether the information provided is true or false. Only when the querist moves the CIC with a grievance that information is false then the CIC would not be in a position to deal with the matter. A mere bald assertion that the information provided by the PIO is false is not

enough. The querist has to provide some bases for the CIC to act on such an allegation.

So far as query No. 5, as aforesaid, is concerned, it is nothing but an exercise to seek the opinion of the CIC. That is not the purpose of the RTI Act. It is abundantly clear to me that the petitioner is a busy body and is misusing the provisions of the Act just to cause harassment, to and wastage of time of the CIC.

Brief of Court Order:

Court dismissed the appeal finding no merit in the appeal. However, the cost of Rs 25,000/- were reduced to Rs 5000/-

Status : Disposed of on 02.05.2012.

CIC/Legal/DEL/2016/014

CIC Order No. : CIC/SA/A/2014/001158.

Brief of CIC Order :

CIC issued show cause notice to CPIO, M/o Environment & Forest, while also directing him to furnish information on certain points of RTI application of Appellant (respondent No. 1 in writ petition) regarding departmental proceedings against appellant.

Writ Petition No. : 5536/2015, Delhi High Court.

Issue : Not framed.

Brief of Court Order:

Court disposed of writ petition as under:

- A. Petition qua show cause notice is premature.
- B. Order of CIC in so far as directing the petitioner to furnish information against point No. (iii) is disposed of recording the consent of the respondent no. 1 through counsel that he is not pressing for the said information.
- C. Order of CIC in so far as directing the petitioner to furnish information against point No. (iv) is allowed and the order of CIC to that extent is set aside with liberty aforesaid to petitioner.

Status : Disposed of on 07/12/2015

CIC/Legal/2012/044

CIC Order No : CIC/SS/A/2011/000973, 578,001328 ,001351& 001543-36.

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC in CIC/SS/A/2011/000973 directed that disciplinary action be taken against the petitioner, under section 20(2) of RTI Act for persistently failing to supply the information on various occasions, including the present one.

CIC in CIC/SS/A/2011/000578 imposed a penalty of Rs 25,000/- under section 20(1) of the Act on the respondent for failing to provide information without reasonable cause.

CIC in CIC/SS/A/2011/001328 & in CIC/SS/A/2011/001534-36 directed the respondent to dispose of the respective RTI applications within two weeks. The CIC, further issued show cause notice under section 20(1) under the Act for not responding to the RTI application and subsequently for not complying with the orders of the first appellate authority for providing information.

Writ Petition No : 2458/2011, Delhi High Court.

Issue :

Whether the Commission was right in its orders.

Brief of Court Order :

Court while dismissed the petition and observed,

“At the outset, I may state that the challenge raised by way of the present petition, as regards the two orders dated 07.02.2012 mentioned at SI Nos. C & D above, is premature. These orders of the CIC call upon the petitioner to show cause as to why action should not be taken against her for not supplying information as required of her under the Act. The said show cause notices are yet to be adjudicated upon.

The petitioner cannot, in the garb of the issues of law, raised by way of the present petition, refuse to perform its duty to tender a response to an application, under the Act. The CPIO may be well within his/her rights to deny the information by raising issues of law and/or exemptions under section 8 of the Act in its response. However, the plea that legal issues and/or exemptions arise would not, by any means whatsoever, absolve the CPIO of its

statutory obligation of replying to an application made under the Act within time”.

Status : Disposed of on 26.04.2012.

CIC/Legal/2012/0169

CIC Order No : CIC/DS/A/2011/000001

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the KVS to ascertain the current status of the final decision and disposal of the appellant's representations mentioned in points 1 and 2 of the RTI application and provide the same to the appellant. In reference to point 4 of the RTI application the Commission directed the respondent to provide a copy of the letter dated 19 March 2009 though the same the principal, KVS, Sianik Vihar had registered a complaint to the SHO police station, Saraswati vihar, Delhi.

Writ Petition No : 1057/2012, Delhi High Court.

Issue :

Whether a petition can be filed before a court for implementation of the CIC Order

Brief of Court Order :

Court while dismissing the petition observed,

“In case the petitioner is aggrieved by the non-compliance of the order of the CIC, the remedy of the petitioner lies under Section 20 of the Right to Information Act, 2005. It does not lie before this court in the first instance, and the petitioner should approach the CIC. In case the petitioner moves an application in this regard. I have no doubt, the CIC shall take appropriate action therein”

Contempt Case Petition : 438/2012, Delhi High Court.

Brief of Order :

Court dismissed the petition while observing,

“ I do not find that any direction or order passed by the court has been wilfully disobeyed. In case the petitioner feels aggrieved on account of non furnishing of information by the respondent, he could approach the Chief Information Commissioner (CIC) under Section 20 of the Right to Information Act, 2005 (the Act? for short). The said section

20 of the Act makes it a penal offence in case the CIC directs the respondent to furnish any information to a party and the same is not complied with. The petitioner is stated to have approached the CIC under Section 20 of the RTI Act. However, the grievance of the petitioner is that CIC is not proceeding ahead with the matter. If that is the case, the same does not tantamount to contempt of order of the court dated 22.02.2012. In case the petitioner feels aggrieved, the appropriate remedy would be to file a writ petition against the CIC”.

Status : Disposed of on 11.08.2014.

CIC/Legal/2012/066

CIC Order No : CIC/SS/A/2011/00097,000578,001328,001351 & 001534-36.

Operative Section : Section 20(1) of the RTI Act.

Brief of CIC Order :

CIC in CIC/SS/A/2011/000973, the Commission recommended disciplinary action against the respondent under section 20(2) of the RTI Act for persistently failing to supply information on various occasions, including the present one. CIC in CIC/SS/A/2011/000578 imposed a penalty of Rs 25,000/- under section 20(1) of the Act on the respondent for failing to provide information without reasonable cause.

CIC in CIC/SS/A/2011/001328 & in CIC/SS/A/2011/001534-36 directed the respondent to dispose of the respective RTI applications within two weeks. The CIC, further issued show cause notice under section 20(1) under the Act for not responding to the RTI application and subsequently for not complying with the orders of the first appellate authority for providing information.

Writ Petition No : 8932/2011, Delhi High Court.

Issue :

Whether the Commission was right in its orders.

Brief of Single Bench Order :

Court while dismissed the petition and observed,

“At the outset, I may state that the challenge raised by way of the present petition, as regards the two orders dated 07.02.2012 mentioned at SI Nos. C & D above, is premature. These orders of the CIC call upon the petitioner to show cause as to why action should not be taken against her for not supplying information as required of her under the Act. The said show cause notices are yet to be adjudicated upon.

The petitioner cannot, in the garb of the issues of law, raised by way of the present petition, refuse to perform its duty to tender a response to an application, under the Act. The CPIO may be well within his/her rights to deny the information by raising issues of law and/or exemptions under section 8 of the Act in its response. However, the plea that legal issues and/or exemptions arise would not, by any means whatsoever, absolve the CPIO of its

statutory obligation of replying to an application made under the Act within time”.

Status : Disposed of on 26.04.2012.

L.P.A No : 444/2012, Delhi High Court.

Brief of Court Order :

Court dismissed the appeal finding that no ground for review is made out observing,

“The argument on which review is sought is of no avail”.

Status : Disposed of on 31.07.2015.

CIC/Legal/2012/085

CIC Order No : CIC/SM/A/2011/000983/SG

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal imposed a penalty of Rs 25,000/- on the CPIO Mr B.N Bhatia for not providing the information to the appellant as per the order of the FAA observing,

“ As per the provisions of Section 20(1) of the RTI Act 2005, the Commission finds this a fit case for levying penalty on Mr B.N Bhatia, the then CPIO, Agra presently AGM, Parliament Street Branch, New Delhi. Since the delay in providing the information has been over 100 days, the Commission is passing an order penalizing Mr. B.N. Bhatia Rs 25,000/- which is the maximum penalty under the Act”.

Writ Petition No : 403/2012, Delhi High Court.

Issue :

Whether the Commission was right in imposing penalty of Rs 25,000/- on the CPIO in the facts of the case.

Brief of Court Order :

Court while deciding the petition modified the order of the CIC by reducing the amount of penalty from the period between 13.08.2010 and 14.10.2010.

Status : Disposed of on 08.05.2013.

CIC/Legal/2011/019

CIC Order No : CIC/LS/A/2010/000546

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC in view of the Supreme Court of India Order in Dev Dutt case directed the public authority to provide the requisite information to the appellant within 04 weeks time while observing,

“It is to be noted that the supreme court of India in Dev Dutt case has ordered that copies of the ACRs are to be provided to all the employees except military personnel. The appellant herein, admittedly, is not a military personnel. Hence, the requested information is disclosable as per the Supreme Court order. As to the question of applicability of the Supreme Court order, Col N.K.P Kumar submits that they are willing to disclose the information prospectively as per DoPT Circular dated 14.05.2009 but the appellant is seeking information retrospectively. It is clarified that regardless of DoPT Circular, that Supreme Court order will apply retrospectively”

Writ Petition No : 8089/2010, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose information to the appellant in the facts of the case.

Brief of Court Order :

Court dismissed the petition while observing,

“Since the petitioner has taken the stated that the petitioner has, without prejudice to its rights and contentions, in any case complied with the order passed by the CIC, this petition does not survive. The issue as to whether or not the petitioner is covered under the RTI Act by virtue of Section 24 with item 21 of the Second Schedule, is left open to be decided in an appropriate case”.

Status : Disposed of on 08.12.2011.

CIC/Legal/2011/023

CIC Order No : CIC/SG/A/20101/000731
Operative Section : Section 7(1) & 20(1) of the RTI Act.
Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the complete information to the appellant while issuing show cause notice against the PIO and directed the PIO to give reasons to the Commission to show why penalty should not be levied on him while observing,

“It appears to the Commission that false information has been given knowingly by the then PIO Dr. T.K.Ghosal, IIT Kharagpur has asked Fox Mandal & Associates to represent it in this case and the three respondents who have come are clueless as to why false information has been provided.

The Commission directs Additional Superintendent of Police, Kharagpur to ensure that proper security is provided to the appellant Prof. Rajeev after making an assessment of the threats that Prof. Rajeev Kumar states he has been receiving. If any physical harm comes to Prof. Rajeev Kumar the police will be held responsible for not having performed the duty.

The Commission also requests the Chairman, Board of Governors, IIT Khargpur to inquire into the allegations made by Prof. Rajeev Kumar and take appropriate action if required”.

Writ Petition No : 3582/2011, Calcutta High Court.

Issue :

Whether the Commission was having jurisdiction to direct Additional Superintendent of Police, Kharagpur to ensure that proper security is provided to the appellant Prof. Rajeev after making an assessment of the threats.

Brief of Court Order :

Court while deciding the petition directed the IIT, Kharagpur to give inspection of the relevant file(s) containing all documents, records, correspondence, communication etc. relating to Joint Entrance Examination, 2006 to the respondent no.3, except those which have already been supplied to the respondent no.3 or those in respect whereof exception could be claimed under section 8 of the RTI Act. It was also directed that if in respect of any particular document exception is claimed, the respondent no.3 shall be duly informed of such decision but the same must have the support of reasons.

However, court set aside the direction of the Commission to the Addl. Superintendent of Police to ensure that proper security is provided to the appellant Prof. Rajeev after making an assessment of the threats. the court had held that the said direction was issued without jurisdiction and the Act does not empower the Commission to act in the manner it has acted.

Status : Disposed of on 18.07.2012.

CIC/Legal/2011/044

CIC Order No : CIC/WB/A/2010/000298

Operative Section : Section 20(1) of the RTI Act.

Brief of CIC Order :

CIC allowed the appeal in part with the direction that the information left out through oversight will be provided to appellant Shri Krishanla Mittal. Commission also issued show cause notice against the CPIO and directed the CPIO to give reasons to the Commission to show why penalty should not be levied on him. Commission also observed,

“Besides, each registry will now maintain a separate register for out of turn hearing referring to the request and ground for request and date of order for out of turn hearing with date of hearing. On the basis of the present appeal Additional Secretary, Ms. Anita Gupta will now ensure that the registry of each Information Commissioner is maintained with entries prescribed above forthwith”.

Writ Petition No : 4691/2011, Delhi High Court.

Issue :

Brief of Court Order :

Court while dismissing the petition observed that in so far as imposition of penalty on the PIO is concerned the petitioner ought to pursue the penalty proceedings before CIC and cannot approach the Court directly. The Court has also clarified that it will be open to the petitioner to pursue for the remedies before the CIC. In regard to other grievance of the petitioner the Court has observed that in its order the Commission had only directed its registry to henceforth maintain records and therefore it cannot be said that the information has not been supplied to him.

Status : Disposed of on 08.07.2011.

CIC/Legal/2011/071

CIC Order No : CIC/SG/A/2011/000863

Operative Section : Section 7(1), 7(6) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal imposed penalty of Rs 25,000/- on the PIO for refusal to provide the information while observing,

Since the PIO has refused to provide the information without any reasonable cause and the delay is much more than 100 days, the Commission is imposing the maximum penalty under Section 20(1) of the RTI of `25000/- on Mr. Jai Prakash, PIO & Dy. Director (Vigilance).

It also appears that the PIO has consistently refused to provide the information. Even after the order of the FAA he did not provide the information and despite the order of the Commission he has refused to provide the complete point wise information. Since there has been consistent failure to provide the information the Commission under its powers under Section 20(2) of the RTI Act recommends disciplinary action to be taken against the PIO Mr. Jai Prakash.

Writ Petition No : 6259/2011, Delhi High Court.

Issue :

Whether the Commission was right in imposing penalty on the PIO.

Brief of Court Order :

Court while deciding the petition upheld the order of the Commission whereby penalty was imposed on the PIO while observing,

“this Court is in agreement with the decision of CIC that there was delay in furnishing of information by the petitioner. Paragraphs 2(viii) and 2(ix) of NDMC’s counter affidavit confirm that though the relevant information was available with the petitioner, yet he did not furnish the same to the applicant within the time prescribed. Consequently, the penalty under Section 20(1) on the ground of refusal to provide information within reasonable cause is upheld.

The amount deposited by the petitioner in this Court shall be remitted to NDMC, so that it can be paid to the respondent/applicant as expeditiously as possible. The balance penalty amount shall be deducted

from the petitioner's salary @ 5,000/- per month till the time the balance amount is recovered.

Status : Disposed of on 18.03.2014.

CIC/Legal/2012/096

CIC Order No : CIC/DS/A/2010/001905

Operative Section : Section 8(1) (h) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while deciding the matter imposed a penalty of Rs 25,000/- on the former CPIO, Shri N K Thakur for denying information to the appellant with malafide intent and directed the ChairmancumMD, National Insurance Co. Ltd.Kolkata to recover the amount of Rs. 25,000/ from the salary of the CPIO and remit the same by a demand draft or a Banker's cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri Pankaj K.P. Shreyaskar, Joint Registrar and Deputy Secretary of the Commission

Writ Petition No : 7903/2011, Delhi High Court.

Issue :

Whether Commission was right in imposing penalty on the former PIO in the facts of the case.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission imposing penalty on the PIO while observing,

“It is quite evident, on perusal of the record, that, the first application, was filed by respondent no. 2 with the Kolkata office of the petitioner, whereupon the requisite information with regard to engagement of legal practitioner was supplied to him by the CPIO, on 17.08.2009. This information was, however, supplied by Mr M.C. Aggarwal, CPIO located in the Kolkata office. Though, there is nothing on record to show that, this information was received by respondent no. 2 and this fact may have weighed with me, in view of the fact that a reference to the issue of engagement of legal practitioner finds a mention in the respondent no.2s second application dated 01.10.2009 what has persuaded me to the contrary is the contents of the order dated 24.12.2009 passed by the First Appellate Authority in which reference is made to CPIOs order of 17.08.2009.

In view of the above, the finding of the CIC that information was not supplied by the second CPIO with malafide intent, while passing the

order dated 28.10.2009, cannot sustain. If the information had already been furnished to the petitioner by the first CPIO vide communication dated 17.08.2009, no grievance could have remained qua that aspect of the matter. This is an aspect which the CIC ought to have considered, while passing the impugned order”.

Status : Disposed of on 13.03.2013.

CIC/Legal/2015/120

CIC Order No : CIC/WB/A/2006/00386, 388 & 389.

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

Commission disposed of the appeals with the following observations,

In File No. CIC/WB/A/2006/00386, Commission allowed the inspection of the original record with regard to copy of Govt of India(DOPT) rule on CCS Rule on statutory provisions by virtue of which office order No. SDAH/2006/3376 dated 31-1-2006 was issued as asked by the appellant .

In File No. CIC/WB/A/2006/00388, CIC allowed the inspection of record to be done on Wednesday 7TH February,2007 at 12.00 noon .

However, in the further proceedings on 19.02.2007, Commission imposed a penalty of Rs 13,000/ on SPIO, DHA, MCD.

In File No. CIC/WB/A/2006/00389, CIC observed that it is not for the Commission to decide whether reliance has been properly placed on the guidelines of DGHS Gol or not. This is a matter for legal and administrative and administrative scrutiny. Appellant is advised to take recourse in this case.

Writ Petition No : 7121/2007, Delhi High Court.

Issue :

Whether Commission was right in imposing penalty Of Rs 13,000/ on PIO in File No. CIC/WB/A/2006/00388.

Brief of Court Order:

Court quashed the order of penalty and the subsequent order of the Commission rejecting the petitioner's review petition while observing,

“The Court has considered the submissions. A joint reading of the two orders does indicate that show cause notice was issued to other individuals and not the petitioner for the perceived delay in responding queries. The said two individuals an not the petitioner were heard on the next date of hearing, in response to the show cause notice. Yet the commission, ignoring its earlier order, absolving the petitioner of any delay proceed to impose Rs.13,000/- as penalty on her. This was completely in ignorance of the previous order which had clearly exonerated any wrong doing by her”.

Status : Disposed of on 16.04.2009.

CIC/Legal/2012/118

CIC Order No : CIC/SG/A/2010/003269

Operative Section : Section 7(1) and section 20 of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to give the complete information to the Appellant before January 25, 2011. Commission also issued a show cause notice against the PIO to show cause why penalty should not be levied on her as mandated under section 20(10) of the RTI Act. Commission also observed,

“ If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons on the show cause hearing and direct them to appear before the Commission with her”.

Writ Petition No : 528/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while deciding the matter observed that since the information has been already supplied to the respondent no. 3 , the matter has become infructuous and CIC has been informed with regard to the same fact, observing

Nevertheless, having regard to the aforesaid circumstances and since, the issue has become academic, the information having been supplied to respondent no. 3 during his lifetime, who I am told has passed away, the writ petition can be disposed of without expressing a view on the issue raised before me. The court is not obliged to decide an issue arising between parties, which has otherwise become academic. (see observations in Yashwant Kumar N. Bhambhani Vs. University of Delhi and Ors., [(2001) 10 SCC 690]. Furthermore, I am of the opinion, no purpose will be served in continuing with penalty proceedings against the PIO, at this stage, having regard to the circumstances set out above.

Status : Disposed of on 16.04.2011.

CIC/Legal/2012/111

CIC Order No : CIC/WB/A/2010/000605-AD

Operative Section : Section 20(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information as sought by the appellant by 25.2.2011 while observing,

The Commission after hearing the submissions made directs the Dean (Examinations)/ concerned PIO to explain the process of conducting the examination including the evaluation of answer sheets and also to show cause why penalty should not be imposed upon him for providing false information the second time with ostensibly malafide intention. He is directed to submit his written response to the Commission with a copy to the Appellant by 25.02.11. The PIO is directed to forward the order to the Dean (Examinations) and Section Officer(Marks sheet).

Writ Petition No : 3913/2011, Delhi High Court.

Issue :

Whether the Commission was right in disposing of the appeal without passing any order as regards the penalty.

Brief of Single Bench Order :

Court while dismissing the petition observed,

“The question of penalty being imposed on the PIO in terms of Section 20 of the RTI Act is a matter of discretion of the CIC. The wording of Section 20 RTI Act does not indicate that the penalty thereunder has to be paid to the information seeker as suggested by the petitioner. In the circumstances, no interference is called for”.

L.P.A No. : 764/2011, Delhi High Court.

Brief of Division Bench Order:

Court dismissed the appeal finding no error in the procedure adopted by the CIC and no merit in the appeal while observing,

“It is clear from the language of Section 20(1) that only the opinion, whether the Information Officer has “without any reasonable cause” refused to receive the application for information or not furnished information within the

prescribed time or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information etc., has to be formed “at the time of deciding the appeal”. The proviso to Section 20(1) of the Act further requires the CIC to, after forming such opinion and before imposing any penalty, hear the Information Officer against whom penalty is proposed. Such hearing obviously has to be after the decision of the appeal. The reliance by the appellant on Section 19(8)(c) of the RTI Act is misconceived. The same only specifies the matters which the CIC is required to decide. The same cannot be read as a mandate to the CIC to pass the order of imposition of the penalty along with the decision of the appeal. Significantly, Section 19(10) of the Act requires CIC to decide the appeal “in accordance with such procedure as may be prescribed”. The said procedure is prescribed in Section 20 of the Act, which requires the CIC to, at the time of deciding the appeal only form an opinion and not to impose the penalty.

The aforesaid procedure is even otherwise in consonance with logic and settled legal procedures. At the stage of allowing the appeal the CIC can only form an opinion as to the intentional violation if any by the Information Officer of the provisions of the Act. Significantly, imposition of penalty does not follow every violation of the Act but only such violations as are without reasonable cause, intentional and malafide.

While in deciding the appeal, the CIC is concerned with the merits of the claim to information, in penalty proceedings the CIC is concerned with the compliance by the Information Officers of the provisions of the Act. A discretion has been vested in this regard with the CIC. The Act does not provide for the CIC to hear the complainant or the appellant in the penalty proceedings, though there is no bar also thereagainst if the CIC so desires. However, the complainant cannot as a matter of right claim audience in the penalty proceedings which are between the CIC and the erring Information Officer. There is no provision in the Act for payment of penalty or any part thereof if imposed, to the complainant. Regulation 21 of the Central Information Commission (Management) Regulations, 2007 though provides for the CIC awarding such costs or compensation as it may deem fit but does not provide for such compensation to be paid out of the penalty if any imposed. The appellant cannot thus urge that it has a right to participate in the penalty proceedings for the said reason either.

The penalty proceedings are akin to contempt proceedings, the settled position with respect whereto is that after bringing the facts to the notice of the Court, it becomes a matter between the Court and the contemnor and the

informant or the relator who has brought the factum of contempt having been committed to the notice of the Court does not become a complainant or petitioner in the contempt proceedings. His duty ends with the facts being placed before the Court though the Court may in appropriate cases seek his assistance. Reference in this regard may be made to **Om Prakash Jaiswal v. D.K. Mittal (2000) 3 SCC 171**, **Muthu Karuppan, Commr. of Police, Chennai v. Parithi Ilamvazhuthi (2011) 5 SCC 496** and Division Bench judgment of this Court in *Madan Mohan Sethi v. Nirmal Sham Kumari* MANU/DE/0423/2011. The said principle applies equally to proceedings under Order XXXIX, Rule 2A of the Civil Procedure Code, 1908 which proceedings are also penal in nature”.

Status : Disposed of on 09.01.2012.

CIC/Legal/2012/122

CIC Order No : CIC/SG/A/2010/003583/11220
Operative Section : Section 7(1) & 20(1) of the RTI Act.
Brief of CIC Order :

CIC while dismissing the appeal observed,

“The Appellant had sought information which was voluminous and the PIO had asked the Appellant to deposit Rs 12000/- for the information. After copying all the pages 7693 pages weighs 36 kg was dispatched by the PIO for which Rs 1600/- was incurred. The PIO claims that the appellant did not receive the packet and hence it was returned. If the Appellant does not wish to take the information the Commission is not able to do anything”.

Writ Petition No : 2430/2011, Delhi High Court.

Issue : Not framed.

Brief of Court Order :

Court while disposing the petition observed,

“ The Petitioner appears in person and states that the Petitioner is prepared

to go and collect in person the information from the office of the Public Information Officer (?PIO?) of the Municipal Corporation of Delhi (?MCD?). Ms.

Shyel Trehan, learned counsel appearing on advance notice for the MCD states

that if the Petitioner comes to the office of the PIO on 2nd May 2011 at 3.00 pm, the information running into 7693 pages as requested by the Petitioner will be made available to it.

If the Petitioner is still aggrieved by the non-supply of some specific information, it will be open to the Petitioner to draw the attention of the PIO to it, such information, if available, will then be provided to the Petitioner in accordance with the rules and procedures”.

Status : Disposed of on 18.04.2011.

CIC/Legal/2013/049

CIC Order No : CIC/DS/A/2012/001918.

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

The Commission while allowing the appeal imposed penalty of Rs 25,000/ on Shri Ramji Dwevedi for not providing the information to the appellant. The Commission also awarded Rs 10,000/- as compensation to the appellant as he has been put to considerable harassment and detriment on account of non-furnishing of information. Commission also directed the CVO, Vigilance to make further enquiries into the matter so as to take it to logical conclusion.

Writ petition No : 8219/2013, Delhi High Court.

Issue :

Whether Court had jurisdiction to try the matter.

Brief of Court Order :

Court returned the petition and directed the petitioner to file it in proper court while observing,

“It will not be appropriate and proper for Delhi High Court to entertain the present writ petition merely because office of Chief Information Commissioner is located in Delhi. Principle of forum convenience is applicable to the facts of the present case as the substantial or the main cause relates to the application, which was filed by Rajesh Kumar, resident of Kanauj, U.P. He will be put to substantial inconvenience and costs by this litigation in Delhi”.

Status : Disposed of on 23.12.2013.

CIC/Legal/2012/123

CIC Order No : CIC/WB/A/2010/000550-AD

Operative Section : Section 7(1) & 20(1) of the RTI Act.

Brief of CIC Order :

CIC while deciding the matter directed the deemed PIO to provide an affidavit to the Commission with a copy to the appellant stating that the then Dy. Proctor, Shri A.A. Khan was not presiding over the said enquiry committee while observing,

“The Commission after hearing the submissions of both sides holds that RTI is not the proper forum to agitate over an issue regarding differences of status of Shri A.A.Khan as given in the minutes of the meeting held on 25.08.09 and the CPIO’s reply dt.15/17.3.10. In any case the proctor Professor H.P.Singh has already affirmed vide his letter dated 23.7.09 and 21.8.09 Dr A.A.Khan will conduct the enquiry along with someone from Pt. DDUIIPH and that the enquiry committee will be chaired by Director Pt. DDUIIPH. The letter dated 21.08.09 enclosed by the proctor clearly states that the Deputy Proctor was present as presiding officer (on other words a participating member). Be that as may, in the interest of the Appellant, the Deemed PIO of the Pt. Deendyal Upadhyay Institute for Physically Handicapped is directed to provide an affidavit to the Commission with a copy to the Appellant stating that the then Dy. Proctor, Shri A.A. Khan was not presiding over the said enquiry committee. The PIO, University of Delhi is directed to forward a copy of the RTI application along with other relevant documents including this order to the PIO Pt. Deendyal Upadhyay Institute for Physically Handicapped. The affidavit should reach the Commission/appellant by 25.4.11 and the Appellant to submit a compliance report by 1.5.11”.

Writ Petition No : 2514/2011, Delhi High Court.

Issue :

Whether the Commission was right in its order or not.

Brief of Court Order :

Court dismissed the petition while observing,

“In the impugned order the CIC has rightly observed that any grievance that

the Petitioners may have about the competence of the person who conducted

the enquiry and whether he acted as the Chairman or a member of the enquiry committee can be agitated in other appropriate proceedings. Given the scope of the proceedings under the RTI Act, this issue could not have been examined by the CIC.

Having heard Petitioner No. 1 who appears in person along with Petitioner Nos. 2 and 3, and having perused the impugned order of the CIC, this Court does not find any valid ground for interference”.

Status : Disposed of on 21.04.2011.

CIC/Legal/DEL/2016/017

CIC Order No. : CIC/SH/C/2014/000545

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

CIC imposed penalty of Rs. 25,000/- on CPIO Allahabad Bank.

Writ Petition No. : 11475/2015, Delhi High Court.

Issue :

Whether the Delhi High Court has jurisdiction (territorial) to entertain the writ petition when the petitioner and the respondent No. 1, the complainant before CIC, are employed/reside in Hooghly, West Bengal?

Brief of Court Order:

The Court dismissed the writ petition as infructuous, holding that a Court within whose jurisdiction the petitioner is employed/respondents is residing would be a better equipped/convenient to entertain the challenge to the order of CIC.

Status : Disposed of on 11/12/2015.

CIC/Legal/DEL/2015/001

CIC Order No. : CIC/SS/A/C/2013/000494/VS

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

CIC vide order dated 12/02/2014 directed the respondent (i.e. PIO, MHA) to:

- (a) provide the available information in context of RTI application dated 08/06/2013.
- (b) show cause as to why action should not be taken against the respondent for contravening the timelines prescribed in the RTI Act.

Pursuant to the above order, the respondent filed his reply which was examined in the note sheet by the office of the IC(VS) and was found to be satisfactory. The file was then put up to IC(VS) who approved the note.

Thereafter, CIC vide communication No. CIC/SS/C/2013/000494/VS dated 31/03/2014, issued by Shri V K Sharma, Designated Officer to IC(VS) dropped the show cause proceeding initiated against the respondent.

This communication dated 31/03/2014 was challenged by way of the present writ petition.

Writ Petition No. : 8041/2014, Delhi High Court.

Issue:

Whether the procedure adopted by CIC in dropping the show cause proceeding was proper under the law.

Brief of Court Order:

Court set aside the impugned communication of CIC and remanded the matter back to CIC for fresh consideration. Court observed that the CIC's order which is sought to have been passed (in the note sheet) has been signed not only by the IC, but also by two other persons, one of whom is Legal Consultant, while the other is the Manager (Law) in CIC.

Court held that this procedure followed by CIC was not proper. Court also opined that *"the function that the information commissioner was performing was a quasi judicial function, to which, the other two persons could not have been parties."*

Status : Disposed of.

CIC/Legal/2015/121

CIC Order No : CIC/AT/A/2006/00319.

Operative Section : Section 20 of RTI Act.

Brief of CIC Order :

Commission while disposing the matter issued notice against the CPIO, Shri A. Mishra to show cause as to why the penalty stipulated Under section 20(1) of the RTI Act not be imposed on him for his failure to supply the information to the appellant.

Writ Petition No : 7474/2007, Delhi High Court.

Issue :

Whether the Commission was right in closing the file after issuing notice to the respondent.

Brief of Court Order:

Court while disposing the petition remanded the matter back to the CIC form the stage where it was dropped and observed,

“ I am of the considered view that the procedure adopted by the CIC is curious to say the least. Having issued the show cause notice, even it were to decide to drop further proceedings and not direct compensation or penalty, it ought to have done so formally and not merely closed the file, as it appears to have done, on the basis of some notings. It is a quasi-judicial body, empowered to decide the issues entrusted to it by law. Closure of such proceedings in a transparent manner, would, having regard to the objectives of the Right to Information Act, be fundamental to the functioning of the CIC. In these circumstances, the CIC is hereby directed to take up the proceedings from the stage which it dropped them i.e. the service of the show cause notice under Section 20(1) read with 19(8))b) and after hearing the parties make a reasoned order in the circumstances of the case”.

Status : Disposed of on 10.10.2007.

SECTION 24

CIC/Legal/2014/056

CIC Order No : CIC/RM/A/2012/000339/LS.

Operative Section : Section 24 of RTI Act.

Brief of CIC Order :

Commission directed the Dy. Secretary Shri Santosh Kumar to transfer the RTI application to DGIT(Inv), Jaipur, forthwith for sending an appropriate response to the appellant in 06 months time from the date of receipt of transferred RTI application and also issued notice to the CPIO to show cause why penalty of Rs 25,000/- should not be imposed on him for not transferring the RTI application to DGIT(Inv), Jaipur. Also, the plea taken by the respondent that the organisation is exempted organisation u/s 24 of RTI Act was not accepted by the Commission.

Writ petition No : 6030/2013, Delhi High Court.

Issue :

Whether the Commission was right in not accepting the contention of the petitioner that the organisation is an exempted organisation u/s 24 of the RTI Act.

Brief of Court Order :

Court while allowing the petition set aside the order of the Commission while quoting Section 24 of the RTI Act and the notification dated 27 March, 2008, G.S.R.235(E), whereby the petitioner is an exempted organisation under the RTI Act. The Court also observed that the information sought also does not pertain to allegations of corruption and/or Human Rights Violation.

Status : Disposed of on 26.02.2016.

CIC/Legal/2012/084

CIC Order No : CIC/WB/A/2010/000341/SS

Operative Section : Section 24(1) of the RTI Act.

Brief of CIC Order :

CIC while allowing the appeal directed the PIO to provide the information to the Appellant as to whether at all Dr. Vijay Kumar Vyas(alleged to be dead) departed from India for Auckland, New Zealand via Flight No. CX708 on 10/10/2009 on passport No. H-0980681. Commission observed,

“the facts and circumstances of the present case squarely attract the proviso(I) to Section 24 (1) of the RTI Act and the information sought by the Appellant clearly relates to such information which pertains to allegation of corruption against the Respondent No.2”.

Writ Petition No : 7453/2011, Delhi High Court.

Issue :

Whether the Commission was right in ordering PIO to disclose the information to the appellant in the facts of the case.

Brief of Court Order :

Court while quashing the order of the Commission observed,

“The information sought by the respondent was neither any information related to the allegations of corruption in Intelligence Bureau nor an information related to the human rights violations. The Commission, therefore, was clearly wrong in directing the Intelligence Bureau to provide the said information to the respondent under the provisions of Right to Information Act. Therefore, the order passed by the Central Information Commission being contrary to the provisions of the Act, cannot be sustained and is hereby quashed.

However, in my view, if an information of the nature sought by the respondent is easily available with the Intelligence Bureau, the agency would be well-advised in assisting a citizen, by providing such an information, despite the fact that it cannot be accessed as a matter of right under the provisions of Right to Information Act. It appears that there is a litigation going on in Rajasthan High Court between the respondent and Dr. Vijay Kumar Vyas. It also appears that the respondent has a serious doubt as to whether Dr. Vijay

Kumar Vyas, who was reported to have died on 03.09.2009, has actually died or not. The Intelligence Bureau could possibly help in such matters by providing information as to whether Dr. Vyas had actually left India on 10.10.2009 for Auckland on flight No CX708. Therefore, while allowing the writ petition, I direct the Intelligence Bureau to consider the request made by the respondent on administrative side and take an appropriate decision thereon within four weeks from today. It is again made clear that information of this nature cannot be sought as a matter of right and it would be well within the discretion of the Intelligence Bureau whether to supply such information or not. Whether a person aggrieved from refusal to provide such information can approach this Court under Article 226 of the Constitution, is a matter which does not arise for consideration in this petition. The writ petition stands disposed”.

Status : Disposed of on 09.10.2013.