
(2009) 02 RAJ CK 0005
In the Rajasthan High Court

Sajjan Singh

APPELLANT

Vs

State Public Information Officer and Others

RESPONDENT

Date of Decision : 10-02-2009

Acts Referred:

Right to Information Act, 2005 — Section 8

Citation : (2009) 3 RLW 2660

Hon'ble Judges : Raghvendra S. Chauhan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.S. Chauhan, J.—The petitioner has challenged the orders dated 25.01.2006, 28.03.2006 & 12.10.2006 whereby he was denied copies of certain pages contained in the Yatinder Singh, Removal of Pay Anomaly Committee Report. According to the letter dated 25.01.2006, the said copies were denied on the following grounds:

(i) Section 8(1)(a) of the Act- on ground of prejudicial effecting the economic interest of the State.

(ii) Section (1)(i) of the Act- on ground that the matter is still to be placed before the Cabinet.

(iii) Section 8(1)(c) of the Act- on grounds of breach of privilege of State Legislative because a copy of the report has been requested by MLA but has not been provided to them on grounds of it being under consideration of Government.

2. Aggrieved from the letter dated 25.01.2006, the petitioner had filed an appeal before the Additional Chief Secretary and Development Commissioner and Appellate Authority under the Right to Information Act, 2005 ("the Act", for short). But, vide order dated 28.03.2006, his appeal was dismissed. Subsequently, he filed a second appeal before the Rajasthan Information Commission. However, vide order dated 12.10.2006, the Chief Information

Commissioner dismissed the second appeal. Hence, this petition before this Court.

3. Mr. Rajendra Singh Tanwar, the learned Counsel for the petitioner, has vehemently argued that as a citizen the petitioner has the right to have copies of the Committee Report. Secondly, that the grounds given for rejecting his application are unsustainable.

4. We have heard the learned Counsel for the petitioner and perused the impugned orders.

5. Section 8 of the Act is as under:

8. Exemption from disclosure of information:

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,:

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

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

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923(19 of 1923) nor any of the exemptions permissible in accordance with Sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of Clauses (a), (c) and (i) of Sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made u/s 6 shall be provided to any person making a request under that Section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

6. A bare perusal of the provision clearly reveals that Section 8 enables the State to withhold certain information from the public. One of the conditions is that in case, the Report is under consideration by the Cabinet, then a report can be withheld from the public, till the Cabinet takes its final decision on the said report. The petitioner has frankly conceded that the Cabinet had not taken any decision on the Yatindra Singh Committee Report till January, 2009. Therefore, according to this Court, the respondents were certain justified in denying a copy of the Committee Report to the petitioner u/s 8 of the Act. Hence, these orders do not suffer from any perversity or illegality.

7. In these circumstances, there is no merit in this writ petition. Thus, it is hereby, dismissed.