

## **News on Right to Information**

*Compiled by*

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1<sup>st</sup> February 2009

### **CIC makes it easier to access court records**

*Abhinav Garg, TNN*

NEW DELHI: In a ruling that promises to make it easier for litigants to access judicial files/records from courts, the Central Information Commission has made it clear that courts can't rebuff RTI pleas on the ground that the information asked should be asked for via Evidence Act. The Act requires a person to apply for "file inspection" and leaves it to the discretion of courts to approve the plea. If allowed, a litigant is granted certified copies of a case document, having legal sanctity.

The Central Information Commission's ruling takes out this discretion of courts and says under RTI Act, court administration will have to provide the information demanded, unless it is exempted from disclosure under RTI itself.

With a section of Evidence Act overlapping with provisions of RTI the newer act Information Commissioner Shailesh Gandhi decided in favour of the information seeker, holding that the RTI Act will have an over-riding effect on any other law, in this case the Evidence Act, for instance, when there is an obligation on a public agency to disclose information. "If a public authority has a process of disclosing certain information which can also be accessed by a citizen using RTI, it is the citizen's right to decide which route he wishes to use. The existence of another method for accessing information can't be used to deny a citizen the right to information.. it is a citizen's right to use the most convenient and efficacious means available to him," Gandhi observed in a recent order, asking the PIO of Tis Hazari Courts in the Capital to supply information to one Vinay Kumar in 15 days time.

Kumar had moved CIC in appeal after his plea under RTI for judicial

files from a particular court in Tis Hazari complex was shot down by court administration. A lawyer by profession, he had asked for copies of "suit files and suit disposal records" of a judge from the period 26.2.93 to 31.3.93. The PIO declined Kumar's request saying he should apply under Evidence Act and ask for a certified copy from the copying agency, a reasoning upheld by the first appellate authority, forcing Kumar to approach CIC.

The PIO claimed before CIC that no information was "held" by court yet maintained a copy of old record could be furnished only after court's permission, otherwise his disclosing would invite contempt action. But CIC countered, pointing out "there is no specific order of a court expressly forbidding the information from being published. PIO's plea it would constitute contempt of court is without any basis."

**31<sup>st</sup> Jan 2009**

## **Blind man shows the way using RTI**

*Times of India*

AHMEDABAD: Today, Rangpar villagers are happy to see that there is a two km road connecting their village to the highway. The Gando Baval (babool) shrubs along the roadside have been cleared by the gram panchayat authorities. But it was not all that simple to get these basics to this small village of Wankaner taluka in Rajkot district. It took a visually challenged Ratna Ala, 26, to open the eyes of the authorities through the Right to Information (RTI) Act.

TOI had reported the dilapidated condition of this village and the struggle of this man to get the system to work.

"At last some development work has been started by gram panchayat. For the last two years I have been using RTI to get information regarding how many schemes panchayat implemented and how much money they spent on each work. Although I did not get accurate information, it helped them realize that their inefficiency would be exposed," Ala told TOI.

Ala's struggle is on, but he is happy that the road has been constructed and the dense shrubs which were a hindrance to passers-by, is cleared. "I can't see, but I can feel the joy of villagers," says Ala. Ala is a farmer and has studied up to Class X.

Rangpar is a tiny village of 750 people, 25 km from Wankaner in Rajkot district. When Ala first confronted the panchayat, it humiliated him. He then met several officials but no one took note. But Ala was determined to carry on till the village got all facilities it's entitled to under different government schemes.

"Ala's work is praiseworthy. People support him but not openly as no one wants to confront local authorities. But Ratna stood firm and results are there," says villager Bhurabhai Barot.

## **Maghamela: RTI reveals huge kerosene scam**

KONARK: Queries under Right to Information (RTI) Act have unearthed a scam in Maghamela - a festival which is observed by lakhs in the Oriya month of Magha at Chandrabhaga beach near Sun Temple at Konark here every year. This year Maghamela will be observed on February 2.

Reports said Department of Food Supplies and Consumer Welfare through the sub-collector, Puri, has been supplying kerosene to pilgrims during Maghamela. The decision to supply kerosene was taken as there were no lighting facilities in the area and kerosene lamps were used by the devotees. However, after long years of electrification of the area, the government has not amended the decision and is still supplying kerosene. In short, the Government is spending lakhs of rupees for a purpose which is no more desirable. The continuation of the scheme is not only an unnecessary burden on the State exchequer but also breeding corruption.

In previous years, the kerosene supplied is found to be grossly misappropriated by some vested interests. Last year the department had also supplied kerosene through retailers who were directed to open temporary fare price shops at different places in and around Chandrabhaga. The retailers were directed to sell 500 ml of kerosene per head and maintain accounts properly. But queries by a local activist under RTI Act revealed that the kerosene supplied was not provided to people instead it was misappropriated by the retailers. Copies of the distribution register exposed forged signatures and thumb impressions of the beneficiaries.

In response to a complaint, Raj Kishore Mishra, State Advisor to the Commissioners of Supreme Court, had written to Raj Kumar Sharma, Commissioner-cum-Secretary, Food Supplies and Consumer Welfare Department, for investigation and necessary action on April 16 last year. But no action has not been taken yet. Also, during public hearing by Justice D.P.Wadhwa in Bhubaneswar on November 16 last year the matter was placed and Sharma had assured then to take proper action within 24 hours. However, more than two months have passed, but no action is yet to be taken.

Apart from that complaints regarding drinking water supply, sanitation

facility, distribution of PDS materials, exorbitant bus fare, unhygienic beach and holy pond are regularly received each year.

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**26 January 2009**

### **Ignoring RTIs costs him dear**

*Viju B, TNN*

MUMBAI: For the first time, a public authority has proactively penalised its officer for sitting on a number of appeals filed under the Right to information (RTI) Act. Deputy municipal commissioner of BMC Sudhir Naik has imposed a fine of Rs 5,000 on A B Khanolkar, who during his tenure as an assistant commissioner, delayed replying to 67 RTI appeals.

Naik, in his inquiry report, also said the officer was fined "as part of imparting education to the erring official who had violated provisions under the RTI Act". Citizens and RTI activists have hailed this order as till date, it has been the State Information Commission (SIC) and the Central Information Commission (CIC) who have been penalising public information officers for not providing information under the RTI Act.

"We now feel that government agencies, like BMC, are becoming increasingly proactive, which is good for the long-term survival of the RTI Act," said S K Nangia, who has been crusading for speedy issuance of RTI replies. Nangia had asked for a copy of the report after he learnt that the civic administration had started an inquiry against ward officer A B Khanolkar for delaying the replies.

"During his tenure as the assistant commissioner in Dadar-Mahim (G-north), he did not take up 67 RTI appeals for hearing. He never bothered to even look at those pending appeals. This was a blatant violation of the RTI Act," said Bhaskar Prabhu of Mahiti Adhikar Manch, an NGO working for RTI replies.

Prabhu had filed an RTI query, seeking details of pendency of appeals across wards after he came to know that public information officers and appellate authorities were delaying in giving out information, which they are supposed to provide within 30 days.

Nangia, coordinator of NGO AGNI, then followed up on the matter. He filed an RTI query asking what action had been taken against Khanolkar. "I got a reply from deputy municipal commissioner Sudhir

Naik, sayina showcause notice had been issued against Khanolkar, asking him to explain the lapses," Nangia said.

**26<sup>th</sup> January 2009**

**Intention of information seeker not important: SIC**

*Times of India*

PANAJI: The intention of the citizen asking information under the right to information act should not be the concern of the information officer, is what a recent order of the Goa state information commission (SIC) says.

Stating that, "the citizen's intention in asking information need not be gone into as per the provisions of the RTI Act", the SIC dismissed arguments by the Mapusa municipal council's information officer, in connection with an RTI application by Ribandar resident Kashinath Shetye. MMC had alleged that the appellant was "harassing all the municipalities and corporations in Goa and hence, the request for information is made with mala fide intention".

The commission, in its order issued on December 30, 2008, also directed the appellant to approach the chief officer to get the information requested by him on payment of additional fees as informed by the chief officer. The commission further directed the chief officer to "give the appellant an opportunity to inspect all the documents and a letter to be sent fixing the date of inspection within the next 10 days."

The commission also noted that there was sufficient force in Shetye's argument that the letter dated November 6, 2008 sent by the chief officer could have been sent within 30 days from the date of the request. "The chief officer should take note of this and deal with the request for information under the RTI Act immediately and in any case within the time limit allowed under the RTI Act," the commission noted.

When Shetye did not receive the requested information from the chief officer within the prescribed 30 days, he filed his first appeal before the director of municipal administration on October 21, 2008. Only then did the chief officer ask Shetye to appear in his office "to discuss the matter and scrutinize required documents" as the information requested was voluminous.

When Shetye did not approach the council, the director of municipal administration passed an order directing the information be given

within 10 days and also allowed inspection of records by Shetye. In his detailed reply to Shetye on November 6, 2008, the chief officer also asked Shetye to pay an amount of Rs 56 and Rs 900 for the copies of the documents requested.

But Shetye said he had not received the letter and stated that the chief officer could have sent the letter even before the first appellate authority had decided the first appeal. That is when the Mapusa chief officer made his allegation that Shetye was "harassing all the municipal councils and corporations in Goa" and hence, the request for information was made with mala fide intention.

Interestingly, Shetye has made quite a number of appeals under the RTI to the SIC. The commission's website shows that the commission has dealt with at least eight appeals by Shetye against the Corporation of the City of Panaji in December 2008 alone.

Shetye has also made appeals against the directorate of panchayats, the law under secretary, and has represented Sanyogita Shetye (also of Ribandar) in her RTI application seeking details of the chief secretary's annual property returns, log books of vehicles used by him, his promotion to a post outside Goa and his continuation in Goa by a set of 11 questions.

**24<sup>th</sup> January 2009**

**Publish or perish**

*Yamini Aiyar*  
*The Indian Express*

Should information on Supreme Court judges' assets be made public? The Central Information Commission (CIC) argues they should but the Chief Justice of India (CJI) disagrees and the Supreme Court registry has challenged the CIC's order on the declaration of judges' assets. On the 19th of January, the Delhi High Court responded to the registrars appeal and stayed the order of the CIC. This controversy has serious ramifications both on the scope and powers of the Right to Information Act (RTI) as well as on efforts to promote transparent and accountable governance in India and hence merits serious attention.

The issue of declaration of judges' assets was first mooted in 1997 when the Supreme Court passed an informal resolution that required judges to declare their assets, in private, to the Chief Justice. In November 2007, an RTI application was filed in the Supreme Court requesting a copy of this resolution as well as any details on judges that had furnished such information. In responding to this application and the subsequent Information Commission order, the Supreme Court has argued that this 'informal' resolution was not a mandatory exercise under the law and therefore the CJI cannot be ordered to disclose it. The CJI has also stated that when this information is submitted to the Chief Justice, it is done so in 'private' and therefore these documents are not, and cannot be, made public.

The Supreme Court's response highlights two critical issues. The first relates to the scope and powers of the RTI Act — Who or what institutions ought to fall within the purview of the RTI? In its order to the Supreme Court, the Information Commission draws on the technicalities of the Act to argue that the Supreme Court and the CJI as its head qualify as 'Public Authorities'. The Act defines a Public Authority as any authority, body, or institution of self-government established by the constitution, the Parliament' State legislatures or by government notifications and orders. By this definition the Supreme Court — as an institution created by the constitution — is unquestionably a 'Public Authority'.

But technicalities aside, there is a more fundamental issue that emerges from this controversy — that of the values, norms and

standards that underlie our public institutions. Accountability is the cornerstone of democracy. Public institutions — institutions that draw on public funds and that are endowed with the power to make decisions that directly impact citizens' lives — have to be answerable for their conduct. The quibble over technicalities of whether or not the Chief Justice is a public authority and whether he falls within the purview of the RTI Act demonstrates just how deeply resistant the system is to norms of accountability. The obvious irony of the Supreme Court, the key institutional mechanism for enforcing accountability of the executive and legislatures, refusing to hold itself up to legally set standards of accountability and transparency, has not escaped most commentators. The Supreme Court should and must be held to the same standards that it seeks to uphold.

The second issue that this controversy brings out relates to the notion of what constitutes public information. Implicit in the CJI and Supreme Court's position is the argument that private assets of public individuals are not a matter of public concern. This is a tricky issue. After all, what bearing does an individual's private assets have on his or her ability to fulfill their public obligations? But surely any information which is essential to understanding how public functionaries interact with and exercise their powers to follow and implement the laws of the land is 'public' information. Citizens have a 'right' to know whether public functionaries abide by laws, rules and procedures and what steps they take to implement and safeguard these laws. Disclosure of assets, to the extent that it is an indicator of the extent to which laws and powers are being abused, is relevant to citizens and must be placed in the public domain. The recent corruption scams afflicting the judiciary are an indicator of just how crucial information on assets is to the effective functioning of our public institutions and therefore how important it is for this information to be 'public'.

In the last decade the Supreme Court has actively supported many crucial campaigns — be it the right to food or the right to information — to push for greater accountability and transparency in our institutions of governance. In fact, a striking feature of this trend is that the executive and legislatures response to these campaigns has to a large extent been a consequence of Supreme Court intervention. The standards set by the Supreme Court are thus critical to shaping institutional behaviour and public discourse in this country. By challenging the provisions of the Act and the Information Commission's orders, the Supreme Court has set a very dangerous precedent — one that does not bode well for the future of the Right to

Information and the effort to institutionalise norms of accountability and transparency in our governance structures.

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**24<sup>th</sup> January 2009**

**RP 2021: Villagers want government to listen to them**

Times of *India*:

PANAJI: Raising a legal issue regarding the enforcement of the Regional Plan 2021 after it is finalised, a speaker at a people's assembly to share experiences about the ongoing planning process questioned whether the town and country planning department will honour the villagers blueprint for the future.

Amidst the chorus of voices that the villagers were struggling with the planning process, Fr Bismarque Dias of St Estevam asked, "Will the resolutions of the gram sabha on planning (questionnaires) be binding on government and have legal sanctity or is it a mere consultative process?"

This comment is significant in the wake of questions being raised in some quarters about the validity of gram sabha decisions. Some have even pointed out that it is not mandatory for town and country planning department to accept gram sabha resolutions.

Arguing that the villagers need more technical support and resources, he said, "A cadastral map, copy of old regional plan 2001 of each village, more copies of the new maps distributed with the kit are required to facilitate planning, and obtaining these papers takes time and costs money," Fr Dias said.

Rejecting the demand of some speakers that the RP 2021 be scrapped, Agnelo Furtado of Chinchinim said, "The onus is on the people to rectify the mistakes committed by the administration." Stating that if need be more persons may be added to the committees, he said, "In our panchayat, we forced an addition of 40 persons."

Gaum Ghor Rakhonn Manch (GGRM) had organised the meeting in the city and various speakers, mostly comprising gram sabha members, pointed several flaws in the planning process.

Atmaji Naik of Arambol said no meetings to discuss RP had started in his village. Fr Henry D'Souza of Canaguinim asked whether the RP had taken into account the plight of the jobless, widows or only builders. Orlando D'Silva, a panch of Carmona panchayat alleged that a six-metre broad road had been falsely marked to help the builders. "A

proper ratio needs to be kept between and orchard and settlement areas," he said.

Domnic Fernandes of Arpora said no traditional pathways had been shown, and the authorities were reluctant to provide details under the right to information. "How can we plan like this," he asked.

Earlier, Soter D'Souza of the Centre for Panchayati Raj, referring to the planning model adopted by Kollam in Kerala, said baseline data, sectorwise analysis, hierarchy of road network and interaction between people and various committees was crucial for planning. Abhijeet Prabhudesai explained the shortcomings of the RP 2021.

**24<sup>th</sup> January 2009**

**CIC sets deadline for details on appointment of Himachal CJ**

*Krishnadas Rajagopal*

*THE Indian Express*

New Delhi : The Central Information Commission (CIC) has hit again at the higher judiciary by giving the Justice Department a month's deadline to make public "files, documents, records" on the appointment of Justice Jagdish Bhalla as the Chief Justice of Himachal Pradesh in February 2008.

Dismissing the department's contention that appointment files of judges in the higher judiciary was exempted from disclosure under the Right to Information Act, 2005, Information Commissioner A N Tiwari confirmed that such information was liable to be disclosed and did not attract any of the exemption provisions in the Act.

The department is now liable to provide copies "of complete documents comprising correspondence exchanged between the Union Law Minister and other constitutional authorities and notes at Union Law Ministry together with file-notings on appointment of Justice Bhalla as CJ, Himachal Pradesh".

The Commission's order also includes the disclosure of the "appointment file earlier moved when the then President A P J Abdul Kalam had returned the file of Justice Jagdish Bhalla for transfer to another state" and the file notings on the movement of an RTI petition based on which the decision has been arrived at by the transparency body. The decision comes on the RTI appeal filed by S C Agarwal last year following a reply from Ramesh Abhishek, Joint Secretary, on April 15, 2008 that the documents sought were not meant for the public eye.

Sources in the Law Ministry said the Commission's order would be challenged in the High Court.

**23 January 2009**

**MCC officials in the dock for delay in RTI info**

*Times of India*

MANGALORE: Delay in providing information sought under the Right to Information Act has landed two officials of the Mangalore City Corporation (MCC) in trouble.

G V Rajashekar, executive engineer, and Jagadeesh, chief accounts officer, of the MCC will have their pockets lighter for the next two months. The Karnataka Information Commission has docked Rs 5,000 each from the officials for their delay in providing information sought under the RTI. Rajashekar incidentally is the principal information officer of the corporation.

The orders passed by K A Thippeswamy, state information commissioner, notes that this was a fit case to levy penalty. The order, a copy of which is available with The Times of India, states that penalty is being imposed on them for the delay in furnishing information and for having badly dealt with all the three requests of the petitioner, Prakash Bhat. The penalty imposed is personal and shall be paid by officers personally, the order states.

The commission has also directed the corporation commissioner Sameer Shukla to recover the penalty amount from the salary of the officials for the month of January, and February 2009, payable in February and March in two equal instalments and credit it to the head of account 0070-60-118-0-03-penalties under the Act. The commission has also directed the corporation commissioner to file compliance in this regard, the order states.

Bhat had sought information pertaining to the work that was undertaken to lay pipeline on the edge of Shankaranagara Road as well as on the work undertaken with Asian Development Bank finance under Nirmal Nagara scheme on December 5. Bhat also sought information on work executed on Kulur Road, including tender documents.

The commission did not buy the officials' argument that they were dependent on their subordinates to get the information sought.

The commission said they responded to requests by Bhat only after

the issue of summons and directions by it. On the reported non-cooperation from their subordinates in furnishing required information, the commission said it is up to them to initiate disciplinary action by bringing out the list of such officials who do not respond to assistance sought by them under section 5 (4) of the Act by bringing it to the notice of the commissioner.

Commissioner Sameer Shukla will take immediate steps as directed by the commission to attach salaries of the officials. On laxity on part of the officials in furnishing information, Shukla said RTI is a simple and clear Act and the PIO has the responsibility to furnish information sought. The officials can ignore the Act at their own peril, he said and added they must take it seriously. Shukla said he would use this incident to convey the message to all concerned.

**23<sup>rd</sup> January 2009**

**Section of HC judges threaten suo motu declaration of assets**

*Dhananjay Mahapatra*

*Times of India*

NEW DELHI: The growing popular pressure for across-the-board transparency in public appears to have blown judiciary's resistance to the demand for declaration of judges' assets, with a section of Delhi High Court judges declaring their intent to make the disclosure on their own.

The HC judges who voted for transparency at a full court meeting last week are determined to go ahead with the move despite reservations among peers who are still arguing what they call judicial exceptionalism.

But even as the status quoists continue with the resistance, the move by the reformists, combined with the bold refusal of veteran constitutional lawyer Fali S Nariman to be the amicus curiae in the case arising from judiciary's challenge to CIC order for disclosure, promises to be the trigger for the Supreme Court to revisit the issue soon.

Chief Justice of India K G Balakrishnan is learnt to be mulling a proposal to make it mandatory for judges of the HCs and the SC to declare their assets to the President, their appointing authority. This will be in sync with the practice in government, where employees declare their assets to their appointing authority.

This goes hand in hand with pro-transparency groundswell in the Bar. Constitutional experts and senior advocates are fully in support of Nariman's views, which was intimated to the Delhi HC along with a blunt refusal to become the amicus curiae in the petition filed by SC challenging a Central Information Commission order to make public the fact whether or not judges periodically declared their assets.

Former law minister Ram Jethmalani told TOI that his views were well known and he was unhesitatingly in favour of judges declaring their assets. Former attorney general Soli J Sorabjee was cryptic yet to the point, when he said, "Whether legally bound or not, in the fitness of things, the judges should declare their assets." Senior advocate Mukul Rohtagi, agreeing with Sorabjee and Jethmalani, said he fully endorsed

Nariman's belief that judges must be amenable to good practices (declaration of assets).

The fresh proposal being deliberated upon by the CJI signals a significant departure from the earlier stubbornness in the judiciary that under the May 7, 1997 resolution passed at the Chief Justices conference, there was voluntary declaration of assets by SC judges to the CJI. Similarly, the HC judges declared their assets to the respective CJs.

In fact, last year, the CJI had written to the chief justices of HCs asking them to ensure that judges adhered scrupulously to the 1997 resolution and declared their assets periodically to them.

However, there was strong opposition to making public the details of their assets on the old-fashioned argument that it would impinge upon the independence of judiciary. This stand had been under stress since the enactment of the Right to Information Act in 2005 and there had been numerous applications seeking a peep into the hitherto forbidden data.

Though the public had been debating this issue, the real progress towards bringing down the iron curtain was taken by the CIC recently when it directed the SC Registry that it should at least give information whether or not judges declared their assets periodically, as was envisaged under the 1997 resolution.

A section of judges was forceful in advocating that 'My Lords', who expect transparency from the government and the litigants, should also submit themselves to identical norms. They even proposed that there should be a website where the judges could declare their assets suo motu.

But, the debate ended in a stalemate with many opposing the idea on the ground that data relating to judges' assets could be misused by unscrupulous elements.

**21<sup>st</sup> January 2009**

**Police complaint body looks the other way**

*Anilesh S Mahajan*

*Times of India*

CHANDIGARH: Police personnel are supposed to be friends of the law. That does not mean law should overlook complaints against them. However, that seems to have been UT administration's thinking over the last 12 years.

All this time, the administration has had a complaint authority to punish erring cops, but it has not been functioning.

In its reply to a Right to Information Act query, the administration stated that the complaint authority was to have the home secretary as chairman, UT SSP as member secretary and IG UT, district magistrate and district and sessions judge as other members. It was supposed to start hearing complaints against cops in 1996. But since then, the authority has not worked at all. In fact, UT SSP SS Srivastava's reply to the query stated, "We have checked all our records and have found that no such body exists."

During the 12 years, UT police received about 500 complaints against its cops, which were dealt with at the departmental level with none of them reaching the authority. In subsequent inquiries, the rate of conviction had been just one out of 13. Sources say departmental inquiries also tend to attract accusations of manipulation by cops.

All these facts did not stop the administration from submitting an affidavit in the apex court claiming that the complaint authority was fully functional and Chandigarh should be exempted from creating a new body for the purpose. Erstwhile home secretary Krishna Mohan had filed the affidavit after a judgment regarding a writ petition by former DGP Prakash Singh.

The district and session judge was added as a member to the body in the ye

4<sup>th</sup> Jan 2009

## **Seeking info? no need to cite reason**

*The Times of India*

MUMBAI: This has been a common excuse that various State Information Commissions and Central Information Commissions (CIC)s had used to deny information to RTI applicants.

In the past, the applicants were told by the commissions that certain information could not be provided as they did not come under the domain of the larger public interest or that candidates had did not cited valid reasons for obtaining the data under the RTI Act.

The CIC, in a landmark order, not only directed the Public Information Officer (PIO) of Benaras Hindu University to provide the complete text of the question paper provided by the varsity to the examiness of the MD/MS exams, but also stated that the clause of public interest could not be invoked for denial of information in this case.

The Central Information Commissioner, Shailesh Gandhi, while passing the order, quoted the rarely used clause under Section 3 of the RTI Act, which states that subject to the provisions of this Act, all citizens shall have the right to information. "According to the Act, citizens' right to access information is absolute, subject only to limitations prescribed under the Act. The Section 3 forms the core of the Act and is a crisp, unambiguous declaration of the aims and objectives of the judgment. To make this right meaningful and effective, citizens are not required to give any justification for seeking information," the CIC order said.

The PIO had quoted an earlier CIC order, which denied information to an RTI applicant who had asked for "answer key and question booklet" of All India Institute Medical Science (AIIMS). The 2007 CIC order then had denied the information on the grounds that AIIMS "is taking all the precautions in conducting the examination in a most satisfactory manner and they have also evolved a foolproof system". "By disclosing the information we will not be able to protect any larger public interest," the order had stated.

Gandhi, after hearing the arguments in a six-page order, said right to information is one of the fundamental human rights recognised across the world. It stands incorporated in the universal declaration of human

rights and international covenant on civil and political rights. He said a certain data can be refused to be divulged only under Section 8(1) or Section 9 of the Act, which relates mainly to the integrity of the country, and also if the information pertains to "third party trade secrets".

"The concept of public interest cannot be invoked for denial of information. In fact, sections in the Act empowers the PIO to provide the exempted information if it is in the larger public interest," the order said. The PIO now has been directed to furnish the information before January 15.