

Courts' Judgments: Case Law Discussion

Rajvir Dhaka

Preamble: Staff and Time Constraints – conflicting views

Kerala High Court :

“22. It is pointed out that the PSC [KPSC] has to incur the huge expenses and administrative difficulties, including the deployment of staff exclusively to deal with such requests and this would result in undue hardship and clogging of its administrative setup. Once a piece of law is in place, inconvenience is no excuse to exclude adherence to it. The bounden has to obey and abide by it. This plea of P.S.C. also does not commend acceptance.” [emphasis supplied]

Kerala Public Service Commission vs. State Information Commission, W. P. (C) 33718 of 2010, jjt dated 09/03/2011 – (DB) [2011 (2) KLT88]

Supreme Court of India:

“37. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. [emphasis supplied]

Central Board of Secondary Education & Anr. vs Aditya Bandopadhyay and Ors., Civil Appeal No. 6454 of 2011, jjt dated 09/08/2011– (2 Judges) [(2011) 8 SCC 497]

Preamble and Section 8: How to Interpret

Supreme Court of India:

“33. Some High Courts have held that section 8 of the RTI Act is in the nature of an exception to section 3 which empowers the citizens with the right to information, which is a derivative from the freedom of speech and that therefore section 8 should be construed strictly, literally and narrowly. This may not be the correct approach. The Act seeks to bring about a balance between two conflicting interests, as harmony between them is essential for preserving democracy. Therefore when section 8 exempts certain information from being disclosed, it should not be considered to be a fetter on the right to information but as an equally important provision protecting other public interests essential for the fulfilment and preservation of democratic ideals.”

40. ... The Courts and Information Commissions enforcing the provisions of RTI Act have to adopt a purposive construction, involving a reasonable and balanced approach which harmonises the two objects of the Act, while interpreting section 8 and the other provisions of the Act”. [emphasis supplied]

Central Board of Secondary Education & Anr. vs Aditya Bandopadhyay and Ors., Civil Appeal No. 6454 of 2011, jjt dated 09/08/2011– (2 Judges) [(2011) 8 SCC 497]

Section 2(f): Unrecorded Reasons

Andhra Pradesh High Court:

“17. The common feature of various categories, mentioned in the definition [of information in Section 2(f)] is that they exist in one form or the other and the PIO only has to furnish the same, by way of a copy or description. In contrast, the reason or basis as to why a particular state of affairs exists or does not exist cannot be treated as a source or item of information. However [the PIO] cannot be required to furnish the reasons as to why the licence was granted or not granted... Further, the basis for the decision of such an authority can be culled out from the order passed by him and he cannot be compelled to state as to why he passed an order in a particular manner through an application under the Act. It is only by instituting proceedings such as an appeal, revision or writ petition that the authority who passed the order can be required to justify it.” [emphasis supplied]

Divakar S. Natarajan vs State Information Commissioner, A.P. State Information Commission and Ors, Writ Petition No. 20182 of 2008, jjt dated 27/1/2009 – (SB) [2009 (2) ALT 500]

Section 2(f): Missing Records

Delhi High Court:

“7. Since the Commission [CIC] has the power to direct disclosure of information provided, it is not exempted from such disclosure, it would also have the jurisdiction to direct an inquiry into the matter wherever it is claimed by the PIO/CPIO that the information sought by the applicant is not traceable/readily traceable/currently traceable. Even in a case where the PIO/CPIO takes a plea that the information sought by the applicant was never available with the government but, the Commission on the basis of the material available to it forms a prima facie opinion that the said information was in fact available with the government, it would be justified in directing an inquiry by a responsible officer of the department/office concerned, to again look into the matter rather deeply and verify whether such an information was actually available in the records of the government at some point of time or not.” [emphasis supplied]

[Missing document was a report of the Govt. of Kerala sent to the Union Ministry of Tourism. PIO denied receipt of the report. Petitioner produced a copy of the report before the CIC. CIC may conduct the inquiry on its own or direct any officer of the concerned public authority to conduct an inquiry into the missing records.]

Union of India vs Vishwas Bhamburkar, W. P. (C) No. 3660/2012, jjt dated 13/09/2013 - (SB) [2013 ELT 500 (Del.)]

Section 2(h): Institutions if Registered/Controlled come in the Definition of Public Authority

Punjab and Haryana High Court

- (i)** Institutions cannot come into existence and function unless registered and regulated by the provisions;
- (ii)** the control of the State Government over them, through the medium of the provisions of the indicated Acts/Rules,
- (iii)** substantially financed by the funds provided directly or indirectly by the appropriate Government,
- (iv)** the mandate and command of the provisions of the RTI Act;
- (v)** their public dealing,
- (vi)** preamble, aims, objects and regime of this Act,
- (vii)** the larger public interest and totality of the other facts and circumstances emanating from the records.

The Hindu Urban Cooperative Bank Limited vs The State Information Commission & Ors. CWP No. 19224 of 2006 alongwith 23 connected cases decided on 9.5.2011, J.

Section 2(j): Opinion & Advice

Supreme Court of India:

“35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant.” The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a

Section 2(j): Opinion & Advice

Supreme Court of India:

public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.” [emphasis supplied]

Central Board of Secondary Education & Anr. vs Aditya Bandopadhyay and Ors., Civil Appeal No. 6454 of 2011, jjt dated 09/08/2011– (2 Judges) [(2011) 8 SCC 497]

Section 5: Application of PIO's Mind to the Information Supplied by Its Custodian

Delhi High Court :

“7. Section 5(4) is simply to strengthen the authority of the PIO within the department; if the PIO finds a default by those from whom he has sought information, the PIO is expected to recommend a remedial action to be taken. The RTI Act makes the PIO the pivot for enforcing the implementation of the Act.

8. .. The PIO is expected to apply his / her mind, duly analyse the material before him / her and then either disclose the information sought or give grounds for non-disclosure. A responsible officer cannot escape his responsibility by saying that he depends on the work of his subordinates. The PIO has to apply his own mind independently and take the appropriate decision and cannot blindly approve / forward what his subordinates have done. [emphasis supplied]

J. P. Agrawal vs. Union of India & Ors., W. P. (C) 7232/2009, jjt dated 04/08/2011 – (SB) [2011 VIIAD (Del.) 625]

Section 6: Safeguards for RTI Applicants

Punjab and Haryana High Court :

“10. Section 13 of the General Clauses Act, 1897 clearly provides that in all Central Acts and Regulations, unless there is anything repugnant in the subject or context, words in the singular shall include the plural and vice versa. In the present case, it cannot be denied that the appellants before the Commission individually being citizens of India were entitled to invoke the jurisdiction of the authorities under the Act for seeking information. Merely because more than one citizen had sought information by filing a joint application when their cause of action is same, it cannot be rejected holding that the same was filed by group of persons. The ultimate object is to avoid multiplicity. In case more than one individual can file separate application for same relief, they can always file a joint application.” [emphasis supplied]

Ved Parkash & Ors. vs State of Haryana & Ors., C. W. P. 10981 of 2012, jjt dated 30/10/2012 – (SB) [(2012) 168 PLR 741]

Section 8(1)(h): Case diary

Karnataka High Court:

Challenged to the order of the Karnataka State Information Commission directing the Police to allow inspection of case diary relating to 3 FIRs filed to the accused, set aside on the grounds that the *Code of Criminal Procedure, 1973*, “prohibits the accused from looking into the case diary, till the prosecution makes use of it during the course of trial.” The High Court quashed the order on the grounds that the trial was yet to begin and the even the Court had not looked into the case diary.

The Commissioner of Police, Mysore City & Ors., vs. Karnataka Information Commission & Anr., WP No. 25840 of 2010 (GM-RES), order dated 15/06/2011 – (SB)

Section 8(1)(j): Officers' Transfer Details

Kerala High Court:

“8. The next exemption claimed by the petitioner is on the ground that the information sought for by the second respondent relates to personal information pertaining to the employees of the Bank, disclosure of which has no relationship with any public activity or interest of the Bank or its employees and it would cause unwarranted invasion of the privacy of the employees, details of whose transfers are requested for by the 2nd.

9. In fact, if that contention is accepted, then information relating to any person in respect of his illegal activities, especially corruption or misconduct could be withheld on the basis of the said section which is not what is contemplated by the Right to Information Act. I am of opinion that the information mentioned in Section 8(1)(j) is personal information which are so intimately private in nature that the disclosure of the same would not benefit any other person, but would result in the invasion of the privacy of that person. In the present case, without the information requested for the 2nd respondent would not be in a position to effectively pursue his claim for transfer in preference to others. On the other hand, the disclosure of such information would not cause unwarranted invasion of privacy of the other employees in any manner insofar as that information is not -

Section 8(1)(j): Officers' Transfer Details

Kerala High Court:

“- one which those employees can keep to themselves. If the 2nd respondent is to contest that the transfers made are in violation of his rights for preferential transfer, he necessarily should have the information which cannot be withheld from him by resort to Section 8(1)(j). More importantly, the proviso to the section qualifies the section by stating that information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person. By no stretch of imagination can it be held that the information requested for the 2nd respondent are information which can be denied to the Parliament and a State Legislature.” [emphasis supplied]

Treesa Irish w/o Milton Lopez vs The Central Public Information Officer & Ors., W.P. (C) No. 6532 of 2008 (C), jjt dated 30/08/2010– (SB) [2012 VIIAD (Delhi) 342]

Section 8(1)(J): No personal information of Public Authority

Delhi High Court:

“4. Contented that the fundamental right guaranteed by Article 14 of the Constitution of India is available not only to an individual, that is a living person, but also to a juristic person. He also relies on Section 3(42) of the General Clauses Act which defines a person to include any company or association or body of individuals, whether incorporated or not.

15. A person as legally defined includes a juristic person and, therefore, the petitioner is also a person in law. That is how the expression is also understood in Article 14 of the Constitution of India.

17. No public authority can claim that any information held by it is personal. There is nothing personal about any information, or thing held by a public authority in relation to itself. The expression personal information used in Section 8(1) (j) means information personal to any other person, that the public authority may hold. That other person may or may not be a juristic person, and may or may not be an individual. For instances, a public authority may, in connection with its functioning require any other person whether a juristic person or any individual, to provide information which may be personal to that person. It is that information, pertaining to that other person, which the public authority may refuse to disclose, if it satisfies the conditions set out in clause (j) of Section 8(1) of the Act i.e. such information has no relationship to any public activity.

Section 8(1)(J): No personal information of Public Authority

Delhi High Court:

or interest vis-à-vis the public authority, or which would cause unwarranted invasion of the privacy of the individual, under clause (j) of Section 8(1) of the Act. The use of the words invasion of the privacy of the individual instead of an individual shown that the legislative intent was to connect the expression personal information with individual. In the scheme of things as they exist, in my view, the expression individual has to be understood as person, i.e., the juristic person as well as an individual.

20. Alternatively, even if, it were to be accepted that a public authority may hold personal information in relation to itself, it cannot be said that the information that the petitioner has been called upon to disclose has not relationship to any public activity or interest.

Jamila Millia Islamia vs. Ikramuddin, W.P.(C) No. 5677/2011, 22.11.2011, jj: M.Y. Eqbal & T.S. Sivagnanam

Section 8(1)(j): 3rd Party's Caste Certificates

Delhi High Court:

'Copy of caste certificate of an employee is personal information and cannot be disclosed unless there is an overriding public interest and that too only if that employee consented to the disclosure as third party. Section 8(1)(j) is applicable.'

Harish Kumar vs Provost Marshal –cum-Appellate Authority & Ors., LPA No. 253/2012, jjt dated 30/03/2012 – (DB) [(2012) ILR 5 Delhi 41]

Section 8(1)(j): Obligation to prove larger public interest than protected interest

(88) Supreme Court of India:

“An RTI applicant seeking personal information of a third party has the obligation or proving that disclosure would serve the public interest better than keeping the information confidential.”

Union Public Service Commission vs. R.K.Jain, LPA No. 618/2012, Judgement dated 6.11.2012 (Db) {196 (2013) Dlt 170}, The Chief Justice, J. Rajiv Sahai Endlaw, Rajiv Sahai Endlaw, J

Import of proviso under Section 8(1)

‘Information that cannot be denied to Parliament or a State Legislature cannot be denied to a citizen’ -

As interpreted in 18 jcts of various High Courts:

- ✓ **Bombay, Delhi, Madhya Pradesh and Patna** – 6 judgments: *proviso* applies to Section 8(1)(j) only]
- ✓ **Calcutta, Kerala and Punjab and Haryana** – 10 judgments: *proviso* applies to all clauses under Section 8(1)
- ✓ **Bombay and Delhi** - SBs and DBs have given conflicting judgments
(up to January 2013)

Section 11: DPC Minutes & 3rd Party

Delhi High Court:

“13.ACR grading/ratings as also the marks given to the candidates based on the said ACR grading/ratings and their interview marks contained in the DPC proceedings can be disclosed only to the concerned employee and not to any other employee as that would constitute third party information. This Court is also of the opinion that third party information can only be disclosed if a finding of a larger public interest being involved is given by CIC and further if third party procedure as prescribed under Sections 11(1) and 19(4) of the RTI Act is followed.

14. Accordingly, ... the matter is remanded back to CIC for consideration of petitioner’s defences under Sections 8(1)(e) and Section 8(1)(j) of the RTI Act and if the CIC is of the view that larger public interest is involved, it shall thereafter follow the third party procedure as prescribed under Sections 11(1) and 19(4) of the RTI Act.” [emphasis supplied]

THDC India Ltd. vs R. K. Raturi, W.P. (C) 903/2013, jjt dated 08/08/2014 – (SB) [212(2014) DLT 683]

This jjt, in effect, **reverses** CIC’s Full Bench decision (5 ICs) in the matter of *Shri Rakesh Kr. Singh vs Lok Sabha Secretariat* & related matters, Complaint No. CIC/WB/C2006/00223 decision dated 23/04/2007 **without actually citing it.**

Section 11: DPC Minutes & 3rd Party

Delhi High Court:

“12. ... I find no reason to differ from the [R.K. Raturi] decision. I am also unable to agree with the contention that the matter be remanded back to the CIC for considering it afresh as the conclusion in the case of R.K. Raturi ... is definite; DPC minutes cannot be disclosed except in public interest and that too after following the procedure specified under Sections 11(1) and 19 (4) of the Act.”

13. 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.” [emphasis supplied]

THDC India Limited vs T. Chanda Biswas, W.P. (C) 7923/2013, jjt dated 21/11/2014 – (SB)

R.K. Raturi ratio is treated as exempting DPC from disclosure to third parties. This jjt and the R. K. Raturi jjt cite DHC’s ruling in the matter of *Arvind Kejriwal* where “DPC minutes” was only mentioned in passing. It was not a specific query in the RTI application. (*Arvind Kejriwal vs Central Public Information Officer, Cabinet Secretariat, W. P. (C) 6614/2008, jjt dated 30/07/2010 – (SB)* [AIR 2010 Delhi 216])

Section 11: DPC Minutes & 3rd Party

Delhi High Court:

“8.... In view of the pronouncement of the Division Bench [in *Waris Rashid Kidwai vs Union of India & Ors.*, [(1998) ILR Delhi 589], there is no escape from the conclusion that the decision of the ACC in the matter of promotion of a Government servant does not constitute advice of the Ministers to the President within the meaning of Article 74 of the Constitution and, therefore, cannot be withheld if it is otherwise accessible under the provisions of the Right to Information Act.

9. 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 be 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....” [emphasis supplied]

Copies of DPC proceedings and notings of DPC proceedings leading up to ACC (Appointments Committee of the Cabinet) were sought in the RTI application.

Union of India Ltd. vs Pramod Kumar Jain & related matters, W.P. (C) 14069/2009, jjt dated 19/11/2013 – (SB) [205 (2013) DLT 613]

Section 12(3) & Article 141 of Constitution: CIC

Member Appointment & Commission

Delhi High Court:

(94) Supreme Court of India

- 1.** The appointment of the Information Commissioners at both levels should be made from amongst the persons empanelled by the DoPT in the case of Centre and the concerned Ministry in the case of a State. The panel has to be prepared upon due advertisement and on a rational basis as afore-recorded.
- 2.** The panel so prepared by the DoPT or the concerned Ministry ought to be placed before the High-powered Committee in terms of Section 12(3), for final recommendation
- 3.** to the Present of India. Needless to repeat that the High Powered Committee at the Centre and the State levels is expected to adopt a fair and transparent method of recommending the names for appointment to the competent authority.

Section 12(3) & Article 141 of Constitution: CIC

Member Appointment & Commission

Delhi High Court:

(94) Supreme Court of India

- 4. The orders of the Commissions are subject to judicial review before the High Court and then before the Supreme Court of India. In terms of Article 141 of the Constitution of the judgments of the Supreme Court are law of the land and are binding on all courts and tribunals. Thus, it is abundantly clear that the Information Commission is bound by the law for precedence, i.e. judgments of the High Court and the Supreme Court of India. In order to maintain judicial discipline and consistency in the functioning of the Commission, Commission shall not overlook the judgments of the courts dealing with the subject and principles applicable, in a given case. It is not only the higher court's judgment that are binding precedents for the Information Commission, but even those of the larger Benches of the Commission should be given due acceptance and enforcement by the smaller Benches of the Commission.**

Namit Sharma Vs. Union of India (UOI) Writ Petition (Civil) of 210 of 2012, decided on 13.9.2012, A.K.Patnaik and Swatanter Kumar, JJ.

Section 19 (3&4): Challenging /superseding CPIO/FAA orders

Andhra Pradesh High Court:

'7. ... in the opinion of this Court, the PIO cannot dawn the role of the Officer of the Public Authority in relation to the orders passed by the appellate authorities against the orders passed by him. If his order is reversed by the appellate authority, he cannot be treated as aggrieved party giving rise to a cause of action for him to question such Orders. It is only either the public authority, against whom the directions are given, or any other party, who feels aggrieved by such directions, that can question the orders passed by the appellate authorities.'

Public Information Officer , Under RTI Act, Syndicate Bank, Regional Office, Mugulrajapuram, Vijayawada vs Central Information Commissioner under Right t Information Act, Etc., Writ Petition No. 28785 of 2011, jjt dated 02/11/2011 – (SB) [2012 (2) ALT 348]

Delhi High Court:

'An order issued by the CPIO and/or the First Appellate Authority cannot be set aside by any other officer of the same public authority by issuing an administrative order. It is open for the public authority to contest such orders before the Central Information Commission.'

R K Jain vs Chairman Income Tax Settlement Commission & Ors., W.P. (C). No. 2939/2014, jjt dated 05/12/2014 – (SB)

Section 19(8): Compensation & Costs

Delhi High Court:

‘CIC has to first record a finding as to how much loss was suffered by an RTI applicant due to unreasonable denial of information. Compensation may be awarded only if loss or detriment occurs due to denial of the requested information.’

NTPC Ltd. vs Mohd. Samad Khan, W.P. (C) 5403/2008, jj dated 09/03/2010 – (SB) [(2010) ILR 6 Delhi 55]

Punjab and Haryana High Court:

‘As public authority had destroyed information sought during the pendency of the case costs to the tune of Rs. 10,000 was awarded to the RTI applicant.’

Raju Sharma & Anr. vs Haryana State Agriculture Marketing Board & Anr., Civil Writ Petition No. 12375 of 2008 (OM), jjt dated 13/03/2012 – (SB) [(2012) 167 PLR 50]

Patna High Court:

‘Court upheld order of compensation to the tune of Rs. 2 lakhs to woman RTI applicant for harassing her by unreasonably refusing to supply information.’

The State of Bihar & Ors. vs The State Information Commission and Ors., Civil Writ Jurisdiction Case No. 17727 of 2008, jjt dated 12/12/2012 – (SB)

Section 20: Penalty Powers & non-compliance

Delhi High Court:

‘Appellant has no role in a penalty proceeding launched under the RTI Act.’ He cannot demand to be present in hearings relating to penalty proceedings.’

Anand Bhushan vs R. A. Haritash, LPA No. 777/2010, jjt dated 29/03/2012 – (DB)
[(2012) ILR 4 Delhi 57]

‘Penalty imposed on the PIO was ordered to be paid by the public authority as it was responsible for the inordinate delay in furnishing the information.’

Damodar Valley Corpn. & Ors., vs Modh. Rafique Ansari and Anr. LPAs 288 and 646 of 2011, jjt dated 17/4/2012 – (DB) [190 (2012) DLT 307]

Karnataka High Court:

‘State Information Commission can invoke its penalty powers to secure compliance with its orders.’

G. Basavaraju vs Smt. Arundhati & Anr., Contempt of Court Case No. 525 of 2008, jjt dated 27/01/2009 – (DB) [2009 (2) KarLJ 465]

Section 20: PIO can't avoid penalty with the excuse that he had not been given training

Punjab & Haryana High Court:

“The petitioner cannot avoid the mandatory provisions of Sub-Section 1 of Section 20 of the Act on the excuse that any training programme as envisaged by Sub Section (1) (a) of Section 26 of the Act has not been organized by the Government encouraging participation of the petitioners in the development and organization of programmes.

*Ramesh Sharma & Anr. Vs. State Information Commission 7 Ors. Decided on -8.02.2008
M.M.Kumar and T.P.S Mann, JJ.*

Section 20: Penalty on predecessor PIO

Karnataka High Court:

“4. That in view of the facts and circumstances noticed supra, the petitioner being not the Public Information Officer on the date the 2nd Respondent submitted the application dated 11.10.2010, the 1st Respondent has acted arbitrarily and illegally in imposing penalty of Rs. 5,000 on the PIO... In the result... the impugned order ... to the extent of the penalty imposed by ... the Commission is quashed. However, liberty is reserved to the (Commission) to issue notice under Section 20(1) of the Act to the predecessor/s of the Petitioner who failed to act in accordance with the law in the matter of furnishing of information / copies sought, to the 2nd Respondent – complainant, pursuant to the request made...”

Sr H N Gopalkrishna vs The Karnataka Information Commission & Anr., Writ Petition No. 18059 of 2012 (GM-RES), order dated 16/12/2013 – (SB)

Section 20: Penalty Powers & non-compliance

Patna High Court:

“Even where fine is imposed or disciplinary action is ordered, it is no part of the duty of the officials who passed the order to ensure that fine is recovered and disciplinary action is taken. At the most, it is a case for a person at whose instance fine was imposed; to insist on the recovery thereof; and third party has no right to seek a general direction for recovery of the fine. It is as good as a Civil Court being placed under obligation to recover the amount covered by a decree.”

Baidyanath Prasad Singh Etc vs The State of Bihar & Ors., Civil Writ Jurisdiction Case No. 10919 of 2014, jjt dated 05/01/2015 – (SB)

Section 20: Penalty Reduction & *audi alteram partem* under Section 20(2)

Kerala High Court:

‘Quantum of penalty reduced from Rs. 25,000 to Rs. 5,000 taking into consideration the fact that this was the first instance of contravention of the law by the PIO and also because he is not a highly paid officer.’

Janilkumar, Tahsildar, Kozhikode vs State Information Commission, Kerala & Ors., W.A. No. 1553 of 2008, jjt dated 11/06/2012 – (DB)

Supreme Court of India:

‘PIO must be given an opportunity of being heard before the Information Commission recommends disciplinary action against him for persistently violating the provisions of the RTI Act.’

Manohar s/o Manikrao Anchule vs State of Maharashtra & Anr., Civil Appeal No. 9095 of 2012, jjt dated 13/12/2012 – (2 Judges) [(2012) 13 SCC 14]

Section 22:

RTI Act can't defeat the purposes and provisions of other laws, disclosure of marks scored in examination wherein a policy of awarding grades is in place.

Thank You