

Lecture - 1, 02.

4/Aug/24.

## Chapter - 14

### \* RTI, 2005

Exemption :-

- Decisions of Council of Minister should be made public after the matter is over, except exemptions specified in Section 8.
- Information which cannot be denied to Parliament or State legislature can not be denied to any person.

CASE LAW

\* in CBSE Vs. Aditya Bandopadhyay :

- time to beyond of 17/11/11
- Supreme Court highlighted that RTI request must be practical and related to transparency and accountability.
  - The Act provides access to existing information only.
  - CBSE maintains answer books for 3 months after which they are disposed of.
  - RTI obligation is to provide access to existing information maintained as per the rules and regulations.
  - Applicants are entitled to information only if it is sought when it is available with Public Authority.

### CASE LAW :-

\* in Case of Kalyanwishi Vs. CPIO, Office of Income Tax Officer.

- Appellant sought income related details of her brother and mother.
- CIC denied the request under Section 8(1)(J). CIC observed that personal records such as Name, address, physical, mental, psychological status, marks obtained, grades and

answer sheets are considered as personal information.

\* in Chief Information Commissioner Vs. High Court of Gujarat

• Appeal addressed right of third party to obtain Certified Copy from H.C under RTI act instead of following Gujarat H.C rules.

• Supreme Court ruled that people should use simple, existing procedure to get Certified Copy from H.C which involves filing an application with necessary fee.

(द्वितीय न्यायाधीशों द्वारा RTI के लिए दस्तावेज)

\* in Case of N.N. Dhumane Vs. Department of Posts.

• Appellant's March 2017 Pension was delayed due to Aadhar linking issue affecting 55 other pensioners.

• Judgement stated that public authorities can not delay pension payment to senior citizens and retired employees in name of Aadhar linking. Such delays violate fundamental right to life.

\* in Case of HN Malviya Vs. CPIO, Department of Personnel and Training.

• Appellant sought information on employee seniority.

• Commission ruled that it is not covered under RTI act.

• CPIO should not be required to make guesses as it put them with risk of penalties.

\* In Case of Mr. Raj Kumar Vs. CPIO Guru Teg Bahadur Hospital.

• Complainant sought information relating to Salary records and DA Implementation.

• Although CPIO provided point wise reply, Complainant was dissatisfied and filed a first appeal which was not addressed.

• Complainant filed a Complaint with CIC but was absent during the hearing.

• CIC directed the respondent to provide complete and correct information within 30 days, ensuring importance of transparency and Accountability.