

CENTRAL INFORMATION COMMISSION

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**F.No. CIC/AT/A/2006/00193
Dated, the 18th September, 2006.**

Appellant: Shri K.M. Talera, 14, Motilal Talera Road, Pune – 411 001.

Respondents: Shri M.Y. Shaikh, Chief Executive Officer & PIO, Office of the Cantonment Board, Golibar Maidan, Pune – 411 001.

Shri S.K. Sardana, Cantonment Executive Officer & Appellate Authority, Office of the Cantonment Board, Golibar Maidan, Pune – 411 001.

Shri K.M. Talera has filed this appeal against the order dated 13.4.2006 of the Appellate Authority, Shri S.K. Sardana, the Cantonment Executive Officer of the Cantonment Board, Pune upholding the order dated 21.2.2006 of the PIO, Shri M.Y. Shaikh, Chief Executive Officer of the Cantonment Board, Pune.

The facts in this case are that, through his application dated 8.2.2006, the appellant requested the PIO to allow him inspection of all files dealing with land bearing Survey no. 120+298 of Village Hadapsar, Taluk Haveli, Dist. Pune, which is used by the Pune Cantonment Board as garbage depot. The PIO turned down this request as this matter was sub-judice. The appellant lost his first appeal before the Appellate Authority.

The matter was heard today (i.e. 18.9.2006). The appellant was called and was absent. The Cantonment Board was represented by the Appellate Authority, Shri S.K. Sardana and the PIO, Shri M.Y. Shaikh.

Besides the main point made by the respondents, i.e. not providing the information in a sub-judice matter to the appellant, they also pointed out that the necessary documents could be made available to him when the final verdict of the court was out (in view of the provisions of Section 289 and 290 of the Cantonment Act, 1924).

A perusal of the averments of the appellant and the respondents makes it clear that there has been a serious error by the respondents in assuming that information in respect of sub-judice matters need not be disclosed. The RTI Act provides no exemption from disclosure requirement for sub-judice matters. The only exemption in sub-judice matter is regarding what has been expressly forbidden from disclosure by a Court or a Tribunal and what may constitute contempt of Court: Section 8(1)(b). The matter in the present appeal does not attract this exemption. Presence of a different provision in the Cantonment Act about supply of documents in sub-judice matters to a requester have had no bearing on the disclosure requirement under the RTI Act. Seen purely from the stand-point of the RTI Act, the right of the appellant to access the information requested by him is unimpeachable.

The Cantonment Board is, therefore, directed that they will allow appellant, within 2 weeks from the date of the receipt of this order, access to the files mentioned by him and other related documents, under proper supervision. The appellant shall be allowed to take such copies and extracts from the inspected documents as he may consider necessary, on payment of the requisite fee and costs as provided under the RTI Act and the Rules.

The appeal is allowed.

Sd/-
(A.N. TIWARI)
INFORMATION COMMISSIONER

Authenticated by –

Sd/-
(L.C. SINGHI)
ADDL. REGISTRAR

Address of parties:

1. Shri K.M. Talera, 14, Motilal Talera Road, Pune – 411 001.
2. Shri M.Y. Shaikh, Chief Executive Officer & PIO, Office of the Cantonment Board, Golibar Maidan, Pune – 411 001.
3. Shri S.K. Sardana, Cantonment Executive Officer & Appellate Authority, Office of the Cantonment Board, Golibar Maidan, Pune – 411 001.
4. In-charge, NIC.
5. Press 'E' Group.