

CENTRAL INFORMATION COMMISSION

Appeal: No. 15/10/2005-CIC

Dated, the 30th March, 2006

Name of the Appellant: Shri M.A. Inbanathan, Manager Purchase,
Commercial Department, Hindustan
Aeronautics Limited, Bangalore - 560001

Name of the Public Authority: Hindustan Aeronautics Limited, Bangalore -
560001

Background

A complaint has been received from the appellant that in response to his request for some information from his employer M/s. Hindustan Aeronautics Limited under the Right to Information Act, the HAL responded that they were not a 'public authority' and hence not liable to supply the requisitioned information. Since this was an extremely important issue and the Commission felt that the issue was unnecessarily being confused, it decided to call the officers concerned from the HAL for a hearing before giving its decision in the matter.

2. A hearing was held in the Commission's office on 28th March, 2006 by the Bench comprising of Information Commissioners, Dr. O.P. Kejariwal and Dr. M.M. Ansari. Shri T. Sudhakar Rao, General Manager (P&A) and Shri Ashok Tandon, Company Secretary appeared on behalf of the HAL. During the course of the hearing, the HAL officers said that they have been generally quite transparent in the matter of supply of information, but they carried a strong impression that since their organisation was an extremely sensitive one there was a doubt if it was covered by the Right to Information Act.

3. For a clarification in the matter, they sought an opinion of their advocates, Sundaraswamy Ramdas & Anand, who opined that since the HAL had not been declared a 'public authority' by notification under the clause 2(h)(d), the provisions of the Act were not applicable to them.

Commission's Decision

4. After hearing them, the Commission informed the HAL representatives that they should realise that there had been a paradigm shift in the tenor of administration leading to transparency and accountability as a consequence of the Right to Information Act coming into being. It was further stated that the opinion of their advocates was incompetent and illogical because if accepted, it would lead to the absurd

conclusion that all public bodies under the Central and State Governments would have to be declared by separate notifications that they were covered by the RTI Act leading to many dimensional confusion. Further the term 'notification' used in clause (h)(d) of Section 2, implied that concerned body/organisation had been set up under orders of the Government and that it did not mean notifying separately the applicability of the Act to each Government body.

5. It must be admitted that the HAL representatives readily accepted the Commission's view-point. The Commission told them that although they were liable to invite a penalty for adopting such a distorted view of the matter, they were being just warned as such only in view of the fact that they had admitted only too readily the Commission's directions.

6. The Commission then directed the HAL not to raise non-issues regarding the Right to Information Act and to comply with its provisions in letter and spirit.

Sd/-

(O.P. Kejariwal)
Information Commissioner

Sd/-

(M.M. Ansari)
Information Commissioner

Authenticated true copy :

(P.K. Gera)
Registrar

CC:

1. Shri M.A. Inbanathan, Manager Purchase, Commercial Department, Hindustan Aeronautics Limited, 15/1, Cubbon Road, Bangalore - 560001
2. Chairman and Managing Director, Hindustan Aeronautics Limited, 15/1, Cubbon Road, Bangalore - 560001