

**CENTRAL INFORMATION COMMISSION  
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067**

Appeal No. 41/ICPB/2006  
June 30, 2006

**In the matter of Right to Information Act, 2005 – Section 19.**  
[Date of hearing: 28.6.2006]

Appellant : Maj. J.S. Kohli (Retd.), New Delhi.

Public Authority : Telecom Regulatory Authority of India, New Delhi  
Shri Mathew Palamattam, CPIO  
Shri Sudhir Gupta, Appellate Authority.

Parties present:

1. Maj. J.S. Kohli, Appellant
2. Shri Amritpal Singh
3. Shri Mathew Palamattam, CPIO
4. Shri P.K. Ravi, Dy. Advisor, TRAI

**DECISION:**

The appeal of the appellant against the decision of the appellate authority confirming the decision of CPIO and also the appellant's application for review of the order of this Commission dated 12<sup>th</sup> April, 2006, were heard on 28.6.2006.

2. The appellant was informed that in view of absence of any provisions in the Act conferring powers on this Commission for review of its own decision, and in the absence of valid grounds for a review in exercise of the Commission's inherent powers, his application for review cannot be entertained.

3. In so far as the appeal is concerned, his request for information originated in an application dated 28.11.2005 wherein the appellant has sought for inspection and taking copies of certain files. After taking inspection on 22.12.2005, the appellant followed it up with a letter dated 23.12.2005 seeking for copies of certain pages of a particular file and also a copy of the bill for Rs.17250/- being the legal fee paid to the advocate and also details of intra office movement of files in question. In addition, he had also raised certain queries seeking for answers for the same.

4. The main point urged by the appellant is that there are no documents to establish the fiduciary relationship between the advocate engaged and TRAI and as

such all the documents relating to the briefs given to the counsel and correspondence between TRAI and appointed counsel should be given to him. When a counsel is engaged, the doctrine of legal professional privilege comes into existence, automatically creating a fiduciary relationship between the client and the advocate. There is no need for a formal agreement establishing fiduciary relationship. A client has to be confident that the information shared with a lawyer and received from that lawyer shall remain confidential. Without such a confidence, there are risks of lack of openness between the client and the lawyer and threat to the administration of justice. In other words, the doctrine of legal professional privilege is sacred and as such any information given by the client and received from the counsel need not be disclosed. However, since the CPIO has already disclosed the fee paid to the advocate in question, a copy of the bill/receipt may be furnished to the appellant as sought for by him. Likewise, the details of intra office movement of the files as requested by the appellant may also be provided. The other information sought for by him in paragraph 5 of his letter dated 23<sup>rd</sup> December, 2005 from serial (a) to (g) being explanation and not information cannot and need not be furnished.

5. The information directed to be furnished as above should be furnished to the appellant by 15<sup>th</sup> July, 2006.

6. Let a copy of this decision be sent to appellant and CPIO.

Sd/-  
(Prof. M.M.Ansari )  
Information Commissioner

Sd/-  
(Padma Balasubramanian)  
Information Commissioner

Authenticated true copy :

( Prem K. Gera )  
Registrar

Address of parties:

1. Shri Mathew Palamatam, CPIO, Telecom Regulatory Authority of India, A-2/4 Safdarjung Enclave, New Delhi-110029.
2. Shri Sudhir Gupta, Director & Appellate Authority, TRAI, New Delhi-29.
3. Maj. J.S. Kohli (Retd.), No.29 B-X Market, Vasant Vihar, New Delhi-110070