

Right to Information and Good Governance

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Lecture 50

Exempted Information- IV

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Relationship with foreign State,
economic Interest

- Anuj Dhar v. Ministry of External Affairs,
CIC/OK/A/2006/00671 dated 23rd March, 2007
- Ms. Suchitra J.Y., Bangalore v. Bharatiya
Nabhikiya Vidyut Nigam Ltd. 2008 CIC
- Delhi Metro Rail Corporation Ltd. v. Sudhir
Vohra Delhi HC 2011
- Reserve Bank of India Vs. Jayantilal N. Mistry
2015 SC



Now in this Suchitra J.V. case of 2008, the CIC noted that the information that was sought is about information about the cost of co-fabrication which was in the relation to you know the, reactor the fast breeder reactor that was been asked. Interestingly what the CIC did was, they consulted the scientist of Saha Institute of Nuclear Physics. And they wanted to know whether the said information should be confidential or whether it can be provided for.

Now, you would notice that the matter when it was decided in 2008 was the kind in which the Indo-US nuclear agreement was being negotiated and there was lot of buzz about nuclear power and nuclear energy. And the kind of business interest that US companies wanted to do in India. And hence, any information regarding the cost obviously will indicate what is happening inside the reactor. And you can actually draw conclusions about the potential of the fast breeder reactor.

And you know, while you know it is important that someone looks at the sincerity of the

information being asked by that applicant. However, you will notice that when it comes to the disclosure of information in such cases, it may have unforeseen ramifications because of the sensitive nature of the project.

And, while the intention cannot be faulted, I think what the decision of the Commission very clearly said there has to be a balancing of interest between the kind of information that may be provided or allowed to be provided and the final ramifications that it may have on the economic interest of the state. Because it may probably disclose the financial details of the kind of components that are used in the fast breeder reactor.

I think these were some of the reason why CIC decided that the information is something that should not been provided under the Right to Information Act. Another interesting case was the case of the structural drawing pillars the Delhi metro that were sought under the Right to Information Act by Sudhir Vohra. This was decided that the Delhi High Court, interestingly you know the metro pillars are quite important.

However, the metro pillars are design by architects. These drawing are very important in terms of the design of the metro, the kind of structure, the height, you know the alignment, the reinforcement, the engineering details, the soil testing all of these are quite relevant in terms of how the Delhi metro is been design. However, in this case, the applicants sought the structural design of pillars number 67, and he wanted it in particular only.

And interestingly, you will notice that some of this information though they are about construction work, they are not about the defence establishment, it may be about a metro corporation. However, these cases are cases where probably the government has to decide whether the said disclosure of information can be done or may not be done. So that is the exactly where the test of whether the information has to be provided or not finally comes into place.