CIC rejects reply under RTI Act, for similar information having been disclosed in the past

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CIC rejects reply of CDSCO under RTI Act refusing to divulge information, "for want of any concrete reasoning." The appellant approached the Central Information Commission (CIC) when the Central Drug Standards Control Organisation (CDSCO) declined to furnish information under the Right to Information Act 2005. The information requested pertained to permissions granted for the export of a drug. The Central Public Information Officer (CPIO), CDSCO, invoked section 8(1)(d) RTI Act for its refusal to divulge information, claiming, amongst other things, that the competitive position of third parties would be adversely affected. The appellant contended (a) A part of CDSCO's response was incorrect; and (b) section 8(1)(d) of the Act did not apply to the query Particularly, and as prior precedent, the CDSCO had on a number of occasions furnished information on similar requests. The CIC agreed with the appellant on both counts. It determined the CPIO's choice of response to be unsubstantiated and invocation of section 8 of the Act unjustified. "Similar information including name of applicant, number of applications with respect to other drugs have been disclosed in the past, it is not clear as to how divulging the similar information in the case at hand, will prejudicially affect the competitive position of the third party. ... the queries do not even deal with any trade secret or commercial secret pertaining to the third party ... ." The CDSCO was ordered to provide the information requested by the appellant against each of the queries raised in the RTI application within two weeks. *Shri DC Sharma v CPIO, Central Drugs Standard Control Organisation; before the Central Information Commission; decision dated 31.10.2017*

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