



**RIGHT TO INFORMATION ACT-2005**

**Kamadhenu Super Market, 1<sup>st</sup> Floor, No.378, Anna Salai,  
Teynampet, Chennai – 600018.  
Telephone:24357580**

**Case No. 24233/ Enquiry / 2009**

**Date of hearing on 27.01.2010**

**Present :**

**Thiru T. Srinivasan, M.Sc.,  
State Information Commissioner.**

**Petitioner: Thiru M, Ramesh Kumar,  
Tessco City,  
Madurai - Melur Four Way Main Road,  
Thamaraipatti,  
Chittampatti Post,  
Madurai - 625 122.**

**Public Authority: The Public Information Officer,  
Department of Geology and Mining,  
Collectorate,  
Trichirappalli District.**

**The Public Information Officer  
Deputy Director ( Mines),  
O/O the Directorate of Geology and Mining,  
Industrial Estate,  
Guindy,  
Chennai - 600 032.**

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The petitioner Thiru M. Ramesh Kumar was not present. Thiru C. Ravichandran, Public Information Officer / Assistant Director (Mines), Trichy was present during the enquiry held on 27.01.2010.

On 07.04.09 the petitioner approached the Public Information Officer, Department of Geology and Mining, Tiruchirappalli to get the information in respect of 5 items. Since the petitioner has not received any information he made an appeal petition to the Appellant Authority on 26.05.09. .On 25.06.09, the Appellate Authority directed the Public Information Officer to furnish the

required information to the Petitioner. On 04.08.09, the Public Information Officer furnished the information for 4 items and rejected to give information quoting section 8(1)(d) of the Right to Information Act, 2005 for item No.3. Again the petitioner made an appeal to the Appellate Authority on 17.08.09 stating that the Public Information Officer failed to produce required information for item No.3. The Appellate Authority upheld the reply given by the Public Information Officer. Not satisfied with the information provided, the petitioner approached the Commission on 23.08.09 and this was taken up for hearing to-day (27.01.2010).

Since the petitioner was not present, enquiry was conducted with the Public Information Officer. In item No.3, the petitioner asked the Photocopy of Mining Plan of all the granite quarries of the Tiruchirappalli District. The Public Information Officer informed that the details requested by the petitioner are rejected as per the Act 8(1)(d) of the RTI Act, 2005. During the enquiry, the Public Information Officer argued that the Mining Plan was prepared by the lessees and given to the Department as a Confidential material. The mining plan contains some commercial details and trade secrets of the lessees and so not provided under section 8(1)(d) of the RTI Act. The Public Information Officer while quoting section wrongly quoted as Section 8(iv). The Commission examined in detail on the various information available in the Mining Plan. It was prepared by the recognized qualified person on behalf of the lessees and submitted to the Department of Geology and Mining. The same was approved by the Commissioner of Geology and Mining. The contents of the approved Mining Plan was examined by the Commission with regard to the argument put forth by the Public Information Officer. As per the Public Information Officer, it contains some potential customers name to whom the lessee proposes to sell the materials and argued that these details are commercial confidence of the lessee. The details of processing will contain certain technical details of the processing methods to be adopted by the lessee and will harm the competitive position of the lessee if revealed as stated by the Public Information Officer.

It is observed that the details mentioned above are available only in certain cases. The other argument that other items in the Mining Plan are

Commercial Confidence and Trade Secrets of the Company under Section 8(1)(d) of the Act is not acceptable by the Commission. There is no justification to reject the Mining Plan in total. After separating the specific items of commercial confidence and trade secrets the other details found in the Mining Plan have to be disclosed as per the Right to Information Act. At the end of the enquiry, the Commission ordered the following:

The Commission is not accepting the rejection of furnishing the entire Mining Plan under Section 8(1)(d) of the Right to Information Act. The Commission direct the Public Information Officer to supply the copies of the Mining Plan following Section 10 of the Act free of cost by excluding the specific details containing Commercial Confidence and Trade Secrets if any available in the Mining Plan under Section 8(1)(d) of the Act ..

**Orders approved this day 3rd Feb. 2010.  
Under the Orders of the Commission.**

**STATE INFORMATION COMMISSION**

**( S, MOHANA DHAS )  
ASSISTANT REGISTRAR**

**Case No. 24233/09**

**To  
The Public Information Officer,  
Department of Geology and Mining,  
Collectorate,  
Trichirappalli District - 620 001.**

**The Public Information Officer  
Deputy Director of Mines,  
O/O the Directorate of Geology and Mining,  
Industrial Estate,  
Guindy,  
Chennai - 600 032.**

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