CENTRAL INFORMATION COMMISSION

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F.No.CIC/AT/A/2009/000816	F.No.CIC/AT/A/2009/000817	F.No.CIC/AT/A/2009/000818
F.No.CIC/AT/A/2010/000003	F.No.CIC/AT/A/2010/000010	F.No.CIC/AT/A/2010/000029
F.No.CIC/AT/A/2010/000058	F.No.CIC/AT/A/2010/000059	F.No.CIC/AT/A/2010/000060
F.No.CIC/AT/A/2010/000078	F.No.CIC/AT/A/2010/000127	F.No.CIC/AT/A/2010/000169
F.No.CIC/AT/A/2010/000184		Total : 13 Appeals

Dated, the 07th June, 2010

Appellants : **Dr.D. Dhaya Devadas** (Appeal No.816-818, 3, 10, 29, 58-60 & 127)
Shri Milind B. Nijsure (Appeal No.78/10)
Shri Ashok G. Naik (Appeal No.169/10)
Shri R.Y. Kutumbe (Appeal No.184/10)

Respondents : **Indian Bureau of Mines (IBM)**

These 13 second-appeals have been clubbed for disposal by Commission due to the fact that the matter for decision in all these cases is the disclosure-liability of Mining Plans.

2. Matter was heard on 24.05.2010 pursuant to Commission's notice dated 26.04.2010.

Presence:

Appellants:

(i) Dr.D. Dhaya Devadas : Through rep., Shri Sudalayandi
(ii) Shri Milind B. Nijsure : Present in person
(iii) Shri Ashok G. Naik : Through rep., Shri Bhobe
(iv) Shri R.Y. Kutumbe : Absent

Respondents:

(i) Shri Anil Subramaniam, Under Secretary, Ministry of Mines.
(ii) Shri R.K. Sinha, COM, Indian Bureau of Mines, Bangalore.
(iii) Shri Tuhin Ray, CPIO, Indian Bureau of Mines, Chennai.
(iv) Shri U.L. Gupta, CPIO, Indian Bureau of Mines, Nagpur.
(v) Shri S.K. Adhikari, CPIO, Indian Bureau of Mines, Goa.

3. Earlier, Commission, through its interim-order dated 04.02.2010, had observed as follows:-

"2. A question has arisen whether the information contained in a Mining Plan as submitted by a private party was liable to be disclosed,

especially in the face of the private party's plea that that would compromise his commercial confidence and the opposite side's plea that mining of mineral resources of the country could not be a matter exclusively between a commercial entity and the public authority. It was a matter of national resources and the citizens in general have had the right to know all about it.

3. Since the issue involved in these three appeals has larger ramifications, the views of the Ministry of Mines should be obtained about whether disclosure of the type of information requested by the appellant .... could be authorized."

4. Accordingly, assistance of the Ministry of Mines, Government of India was sought through Commission's references dated 05.02.2010 and 19.03.2010.

5. Accordingly, the Ministry of Mines, through a letter dated 22.03.2010 from Shri Anil Subramaniam, Under Secretary, have advised that except certain parts of the Mining Plan – which had elements whose disclosure would be prejudicial to commercial / competitive interest of a third-party (Mining Lease applicants) – the following parts of the Plan could be disclosed:-

"(i) 'General information', and 'Location and accessibility' in Chapter 1 & 2 in Introductory Notes of the Mining Plan.

(ii) 'Mine Drainage', 'Skating of Mineral rejects and Disposal of waste', 'Use of Mineral' and 'Other information' in Chapters 6, 7, 8 and 9 respectively of the Part 'A' of the Mining Plan.

(iii) 'Environmental Management Plan' in Chapter 11 of Part 'B' of the Mining Plan."

6. During the hearing on 24.05.2010, Sudalayandi, representing one of the appellants, Dr.D.Dhaya Devadas, agreed that disclosure of the Mining Plan could be authorized as per Ministry of Mines' advice. Shri Milind B. Nijsure (one of the appellants) insisted that the Mining Plan be made public *in-toto* in public interest.

7. On considering all aspects of the case, I consider it appropriate that disclosure of the Mining Plans – as requested in the 13 RTI-applications corresponding to these second-appeals – be authorized

on the lines advised by the Ministry of Mines. It is observed that Ministry has advised exclusion of only those portions of the Mining Plans which included details specific to a lessee – mobilization of resources, technology employed and so on. While these being specific to the lessee seem obvious, it is not yet clear as to how public interest would be served by its disclosure. It seems fairly apparent that the interests of the lessees – and their competitive position vis-à-vis other competitors – could be seriously jeopardized on account of such disclosures. Thus, the classification of disclosable and non-disclosable information in the Mining Plans as suggested by the Ministry of Mines seems rational and practical. These (non-disclosable parts) are covered by provisions of Sections 11(1), 8(1)(d) and 8(1)(j) of the RTI Act.

8. It is, therefore, directed that the parts (as paraphrased at paragraph 5 above) in the Mining Plans be disclosed to the appellants in these 13 second-appeals as per their requests in the corresponding RTI-applications.

9. It is also noted that the appellant, Dr.D.Dhaya Devadas, through his RTI-applications dated 03.02.2009, (in Appeal No.CIC/AT/A/2010/000059), dated 11.06.2009 (in Appeal No.CIC/AT/ A/2010/000817) and dated 01.06.2009 (in Appeal No.CIC/AT/A/2010/000818) has also requested information relating to illegal mining and the report of the Deputy Controller of Mines, Chennai Region submitted to Indian Bureau of Mines. These items of information were already disclosed to the appellant through Commission's decision in *Appeal No.F.No.CIC/AT/A/2010/000138; Date of Decision: 10.05.2010.* As such, there shall be no further disclosure obligation as regards these.

10. The Ministry of Mines is advised – under Section 25(5) of the RTI Act – to have all public authorities under it put-up the above (disclosable) parts of the Mining Plans on their respective websites to obviate repeated RTI-queries in the matter. Time for action – 2 months.

11. Appeals disposed of with the above directions.

12. Copy of this direction be sent to the parties.

(A.N. TIWARI)
INFORMATION COMMISSIONER

Authenticated by

(D.C. Singh)
Deputy Registrar

Copy forwarded to:

1. Shri Tuhin Ray, Dy. Controller & CPIO, Indian Bureau of Mines, C-4A, Rajaji Bhavan, Besant Nagar, **CHENNAI** – 600 090.	**7. Dr. D. Dhaya Devadas,** President, Federation of India Placer, Mineral Industries, 1S, Prasad Street, Seethapathy Nagar, Velachery, **CHENNAI** – 600 042 - *Appellant*
2. Shri A.K. Ghoshal, Jr. Mining Geologist & CPIO Regional Office, Indian Bureau of Mines 6th Floor, A- Block, Indira Bhawan, Civil Lines, **NAGPUR – 440 102.**	**8. Shri Milind B. Nijsure** A/P: Velas, Tal: Mandangad, Distt.- **Ratnagiri** (Maharashtra) - *Appellant*
3. Controller of Mines (SZ) & AA, Indian Bureau of Mines No. 29, Industrial Suburb, Goraguntepalya, Tumkur Road, **BANGALORE.**	**9. Shri Ashok G. Naik.** Advocate & Notary, 50, 1st Floor, Apna Bazar Building, **Vasco-da-Gama, GOA.** - *Appellant*
4. Shri S.K. Adhikari, JMG & CPIO, O/o Regional Controller of Mines, Indian Bureau of Mines, Opp. R.T.O's Office, P.O. – Fatorda **MARGAO –GOA** - 403 602.	**10. Shri R.Y. Kutumbe** 62, East High Court Road, New Ramdashpeth,, **NAGPUR** - 10 (Maharashtra). - *Appellant*
5. Shri Ranjan Sahai, Controller of Mines (CZ) & AA, Indian Bureau of Mines 6th Floor, A- Block, Indira Bhawan, Civil Lines, **NAGPUR – 440 102.**	**11. M/s. Ashapura Minochem Ltd.,** Near Madarsa Aarchi , Taluka – Sriburdhan, Distt. Raigarh 402 110 (Maharashtra) - *Representatives of 3rd Parties*
6. The Secretaty, Ministry of Mines, Room No. 320, 3rd Floor, A- Wing, Shastri Bhavan, **New Delhi** – 110 001 - *For Compliance of Para –10.*	**12. M/s V. V. Minerals,** **C/o R. Anand Padmanabhan,** Advocate, D-23, Navkunj Apartments, Plot No. 87, Patparganj, **DELHI** – 110 092 - *3rd Party*
	13. M/s Salitho Ores Pvt. Ltd., Salgaocar Chambers, P.O.Box No. 114 Margao –**GOA** – 403 601. - *3rd Party*