

വിവരാവകാശ നിയമപ്രകാരം നൽകേണ്ട ഒരു രേഖയിലെ ഏതെങ്കിലും ഭാഗം മാത്രം വകുപ്പ് 8 നു വിധേയമായി നിഷേധിക്കേണ്ടതാണെങ്കിൽ വിവരാവകാശ നിയമത്തിലെ വകുപ്പ് 10 പ്രകാരം ആ കാര്യം അപേക്ഷകനെ മുൻകൂട്ടി അറിയിക്കേണ്ടതാണ്.

4. The Commission observed that the information requested for were copies of the minutes of the meeting of the Board of Directors of KHDC. If the respondents were of the opinion that any portion of the minutes were to be construed as commercial confidence or trade secret the disclosure of which was harm the competitive position of the HDCK Ltd., the respondents could have denied that portion of the minutes specifically communicating the reasons for such denial. Denial of entire information was not justifiable.

5. On the basis of the above observation the Commission hereby order as follows:

The first respondent shall consider the application afresh taking into consideration the provision for severability under section 10 of the Right to Information Act and if he is convinced that disclosure of any portion of the minutes would harm the competitive position of the corporation, he may deny that portion and communicate this decision to the appellant. If the appellant is not satisfied with the reply of the 1<sup>st</sup> respondent, he is at liberty to approach the second respondent and State Information Commission with the first and second appeals under section 19 of the Right to Information Act. The Commission does not find malafide in the action of the State Public Information Officer and therefore decide it not necessary to proceed against the respondent under section 20(1) of the Right to Information Act, 2005.

Dated this the 11<sup>th</sup> day of February, 2010.