

# CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

**Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)**

Central Information Commissioner

**CIC/SA/A/2016/000028**

**Archna Nair v. PIO, Jawahar Lal Nehru University**

**Important Dates and time taken:**

<b>RTI:</b> 28.05.2015	<b>Reply:</b> 17.09.2015	<b>FAO:</b> 09.11.2015
<b>SA:</b> 30.12.2015	<b>Hearing:</b> 03.08.2016	<b>Decided on:</b> 20.09.2016
<b>Result: Disposed of.</b>		

## **Parties Present:**

1. Appellant Ms. Archna Nair is present along with S. Ganesan. Public authority is represented by Mr. Deepal Arya and Prof. P.S Khillare (SES/JNU).

## **FACTS:**

2. Appellant has claimed to be a journalist. It is noticed that she was a co-petitioner before Delhi High Court along with Crop Care Federation of India (CCFI), a body of pesticide manufacturing companies. These two petitioners attacked the University Research. Though claimed as "an independent journalist", the number, contents of her RTI requests and contentions reveal that she is representing the pesticide manufacturers. Is it representation of any public interest or promotion of someone's vested interests?

3. To answer, it is necessary to look into her failure in Delhi High Court and then the nature of her questions filed under RTI Act. Her associate petitioner, the Crop Care Federation of India (CCFI) in its website <http://www.cropcarefed.in//> claimed that it "was one of the oldest and foremost associations. Most of the leading pesticides manufacturers and formulators are its members". One of its objectives is: "To serve as responsible interface between the industry and the Government and between industry and Research

Institutions/Universities/Farming Community/NGOs". If their claims are true, the CCFI should welcome academic research and discovery of truth about usage of pesticides. In ***Crop Care Federation of India & Ors v. Jawaharlal Nehru University & Ors.***, W.P (c) No. 4724/2016 it wanted the Hon'ble Delhi High Court to direct entire record of raw data (laboratory data) including all the chromatogram generated by respondents for research paper published in USA and Europe to be supplied to them. The grievance of the Federation is that 'respondent no. 3 and 5, who are research students under respondent no. 4-Professor of the respondent no. 1-JN University have published a research paper in USA and Europe claiming that the Indian vegetables have residues of 20 different pesticides which had been banned 20 to 30 years ago thereby implying the continuous illegal production, sale and use of those pesticides in India'. Hon'ble Court observed:

"... if the allegations in the writ petition are correct, then the petitioners should either file a suit for declaration challenging the findings of the respondents report or a suit for defamation, but the petitioners by way of a writ proceedings cannot ask the respondents to furnish the raw data. ...."

4. In this WPC, the second petitioner was the present appellant Ms. Archana Nair. After Delhi High Court rejected it, she chose the route of RTI. She had sought for the information regarding excerpts of a research article published by a scientist available in public domain, which is as follows:

"Assessment of the concentration, distribution, and health risk of organochlorine pesticides in *Momordica Charantia* grown in Periurban region of Delhi, India

Sapna Chaurasiya, [sapna20385@gmail.com](mailto:sapna20385@gmail.com), Pandit S Khillare School of Environmental science, Jawaharlal Nehru University, New Delhi, Delhi – 110067, India.

The present study was conducted to evaluate the concentration levels of different organochlorine pesticides (OCPs) in medicinally important vegetable *Momordica charantia* in periurban region of Delhi, India. There is a major significance of the study concerning OCP levels in *M.charantia* vegetable because it is one of the most grown Cucurbitaceae vegetables in India owing mainly to its anto-diabetic potential and is reported to accumulate greater amount of organic pollutants. Vegetables sampling programme was conducted at two agricultural sites in summer, 2011. A total of twenty different OCPs were quantified using gas chromatography (GC) assembly with electron capture detector (ECD). The  $\Sigma$ OCPs concentrations ranged between 25.5 to 84.3 ng/g in the analyzed samples. The Concentration of  $\Sigma$ HCH (4.6-55.9 ng/g) was found to be much higher than  $\Sigma$ DDT (2.0-15.1 ng/g) indicating thereby continued use of HCH in the studied area even after its ban for agricultural purposes. Percentage distribution of HCH-isomers

showing the pattern:  $\alpha$ -HCH >  $\beta$ -HCH >  $\gamma$ -HCH in all samples. However, PP- DDT contributed highest among three isomers (p,p'-DDT, p,p'-DDD and p,p'-DDE) at both the sites. Ratio of  $\alpha$ / $\gamma$ -HCHC showed value greater than 1.0 for all samples suggesting the application of technical-HCH in the studied area.  $\Sigma$ HCHC and heptachlor residues recorded in these vegetables samples exceeded the maximum residue levels (MRLs) set forth by the European Commission (2009). However, non-cancerous health risk calculated via ingestion exposure demonstrated that hazard quotient (HQ) value was below 1.0 (2.59E-05 to 3.02E-02) for OCPs".

5. Challenging the above propositions appellant rose following demands which were answered to some extent by Mr. P.S Khillare, SES, JNU on 15.06.2015 as follows:

<b>Questions</b>	<b>Reply</b>
1. Date of beginning and date of completion of the residues analysis narrated in the news item.	<i>Period of residue analysis: June-July 2011.</i>
2. Particulars of technical specification of the instruments used for residue analysis (including minimum detection limit).	<i>Sample analysis was performed using shimadzu GC 2010 with ECD. Technical specification of the instruments are available on Shimadzu website.</i>
3. Technical grade of various pesticides obtained their purity, source and date of supply etc. Give photocopy of the purity standard as given by the supplier.	<i>Pesticide standard mixture EPA 8081, Purity range 98.4-99.9 %, suppliers-sigma Aldrich Chemicals Pvt. Ltd.</i>
4. Reading taken in respect of each sample.	<i>Information cannot be provided as it is related to Ph.D. thesis; the degree is yet to be awarded.</i>
5. Limit of quantification and details of determination thereof.	<i>Information cannot be provided as it is related to Ph.D thesis.</i>
6. Calibration and related data including Linear Calibration Range.	<i>Calibration has been done by external calibration method. Related data cannot be provided as it is related to Ph.D. thesis</i>
7. Confirmatory tests for validating data for each sample.	<i>Confirmatory test was not a mandatory requirement for the research work.</i>
8. Details of method of analysis of samples.	<i>USEPA method 8081.</i>
9. Reading related to "regent blank" along with chromatograms thereof.	<i>Information cannot be provided as it is related to Ph.D. thesis.</i>
10. Details of confirmatory tests	<i>Not a mandatory requirement for the</i>

done for residues in all samples.	<i>work.</i>
11. Give copies of chromatograms showing presence/absence of pesticide residues in all samples analysed.	<i>Information cannot be provided as it is related to Ph.D. thesis.</i>
12. Give details of determination of accuracy, precision and sensitivity limit of the method used.	<i>Information cannot be provided as it is related to Ph.D. thesis.</i>
13. Give the contact addresses of the chemists who analyzed the samples for pesticides residues.	<i>Analysis was done at the advanced instrumentation Research Facility of the University.</i>
14. Give copies of the laboratory log book as maintained during this analysis.	<i>Usage certificate is attached</i>

6. Appellant filed a complaint with the Commission on 04.09.2015 stating that the CPIO has not furnished information.

7. Mr. S.P Singh, CPIO, replied on 17.09.2015. He sought from deemed PIOs i.e., Prof P. S. Khillare, Dean (SES) and Rector- II. Then information as received was sent to her vide CPIO letter dated 18.06.2015 containing 03 pages by registered post on 22.06.2015. Reply/information is once again sent after first appeal is filed.

8. Answer on point no. 14 is: Usage Certificate: "Samples provided by Ph.D. student Ms. Sapna Chourasiya, of SES, JNU on 30.06.2011 and 07.07.2011 were run as Gas Chromatograph – Electron Capture Detector Equipment (GC-2010, Shimadzu model).

9. First Appeal was filed on 09.10.2015 in Jawaharlal Nehru University challenging the refusal by the CPIO. Appellant contended that the research paper made public in the USA in the year 2011 was part of Ph.D. thesis. She relied on the decision of CIC in case no. CIC/SA/A/2014/001213 (Meeta Sharma vs. PIO, ARID Forest Research Institution).

10. The Authority on 09.11.2015 disposed of the first appeal as all possible information has already been furnished by Dean and CPIO on 18.06.2015 and subsequently on 17.09.2015.

11. Prof. P.S. Khillare stated that information forming part of unpublished Ph.D. thesis could not be given at this time as JNU follows the policy of restricted access of Ph.D. thesis under UGC guideline of "Minimum Standards and Procedure for award of M.Phil/Ph.D. degree Regulation, 2009". As per the policy, JNU is under obligation not to disclose the contents of the Ph.D. research for a period of up to 3 years after award of the degree to the scholars. Ph.D. was not awarded as on first appeal.

12. Respondent PIO and Dean explained that appellant has raised several questions than seeking information, which cannot be given under RTI Act. The research scholar has studied the organochloring pesticides residues in soil and vegetables in Delhi under the supervision of Prof P.S Khillare, the Dean at the school of Environmental Sciences, JNU, New Delhi. A large set of research data has been created by Scholar Ms. Sapna Chaourasiya for her Ph.D. work under the supervision of the University, and part of the data has been used for two international peer reviewed research publications. He alleged that appellant had filed 7 RTI applications raising several questions related to these two publications (Vide JNU RTI Nos: 4647, 4693, 4728, 5179, 5297, 5510 and 5600). Only that which formed part of research data created by the research student for her Ph.D. work was not given. He relied upon the JNU/UGC guidelines, which imposed an embargo for period of up to 3 years after the award of Ph.D. to the candidates. Additionally, he contended that the research data was an intellectual property of the scholar and is exempted from disclosure under section 8(1)(d) of RTI Act. He also relied on the decision of the Commission in Case no. CIC/AT/A/2008/00533 dated 22.10.2008, denying the demand for data of researcher under RTI Act.

13. Research-supervising-Professor and University PIO also referred to the Consent Form for Digital Archiving given by scholar Ms. Sapna, to the Central Library, JNU to archive and to make available her dissertation in whole or in part in the University's Electronic Thesis and Dissertation (ETD) Archive ensuring access to the whole world under the conditions specified. It was also mentioned that all other ownership rights to the copyright of the thesis/dissertation was retained by her and that she also retained the right to use in future works (such as articles or books) all or part of this thesis or dissertation. On the option of scholar, the University recognised restrictions on access in exceptional

circumstances. Requests for restriction for a period of up to maximum 3 years must be specified by the scholar explicitly. However, the digital contents on JNU INRANET will be available immediately after the award of degree. Respondent officer also pointed out that the scholar has marked the 3 years column for the release of the entire work for the worldwide access after.

14. They pointed out that the guidelines of submission of Thesis/Dissertation had been revised in accordance with the UGC notification (Minimum Standards and Procedures for Award of Ph.D./M.Phil/M.Tech Degree, Regulation, 2009) dated 11.07.2009 which was approved by JNU Academic Council on 18<sup>th</sup> March, 2011.

15. UGC notification (Minimum Standards and Procedures for Award of Ph.D./M.Phil/M.Tech Degree, Regulation, 2009) Rule 19 makes it mandatory for the scholars to deposit the thesis with UGC:

*...after successful evaluation process and announcements of the award of the M.Phil./Ph.D., the University **shall submit** a soft copy of the M.Phil./Ph.D. thesis to the UGC **within a period of thirty days**, for hosting the same in INFLIBNET, **accessible to all Institutions/Universities.***

16. On point no. 4, JNU refused as Ph.D. was not awarded as on 15.06.2015, date of their response. However the CPIO told the Commission that the degree was awarded in December 2015, but still the information could not be disclosed because the Academic Council Resolution has imposed a condition that the Thesis could not be accessed for three years from the date of submission. JNU deems it necessary to have such embargo to secure intellectual property rights of the scholar by preventing breach of the copyright.

17. The Academic Council Resolution was not produced before the Commission. When the research product of a scholar is supposed to be accessible to INFLIBNET, though not unlimited, it means it is not proscribed for reading. A copy of thesis is expected to be kept in library for general access to scholars and students. Anyone can reach the library and read. The permission for reading need to be taken, but that does not mean it could be denied. Access can be regulated but can't be denied. Even if the AC of JNU has passed the resolution to keep an embargo for three years or one year as claimed by PIO at later stage, it

has to justify the same under RTI Act under any exemption. The University could not come up with any such justification or exception. The resolution, if any, is overridden by Section 22 of RTI Act. The University need to amend the resolution in consonance with the RTI Act. It cannot create a regulation in conflict with the Act.

18. Second contention of the University that access should be denied because of IPR or copyright, does not stand. The Copyright Act has provided fair use exceptions to the copyright. Copyright does not give monopoly over the 'knowledge', but offers a limited protection to 'expression' against commercial reproduction. One who wants to read, research, add on to the conclusions or criticise the theory is welcome. They are not hit by the copyright law. If someone wants to print or take a Photostat copy in its entirety, he will be certainly violating the copyright law. Having access to thesis for reading it, taking notes about, quoting a relevant portion for literary review or critical analysis is not copyright violation. Anyone with intellectual honesty can challenge the conclusions and develop a counter thesis. Research should help further research. The embargo of one or three years on access to Ph.D. thesis or any other research conclusion or dissertation is antithesis to aims and objectives of Copyright legislation and IPR regime, breach of UGC Regulation 2009, besides being a gross violation of freedom of speech and expression. The embargo is not only a breach of RTI Act, but also violation of Constitutional right guaranteed under Article 19(1)(a). The Commission requires as per Section 19(8)(iv) of RTI Act to make necessary changes in their Regulation in consonance with the RTI Act and Freedom of Speech and Expression, provide access to such dissertation without any embargos, facilitate inspection and taking of notes, of course preventing them from taking copy of entire thesis. The appellant is successful to this extent in her second appeal.

19. However, appellant's attempt to get clarifications for her testing questions cannot be answered as it is against the RTI Act. The appellant's multiple questions and litigations appear to have been guided by federation of pesticide manufacturers. Is there any public interest? Whether these questions are harassment to the author or any scholarly reflection or interest in research?

20. The facts show that the appellant is repeatedly attacking the scholar. She raised such questions and demand for data that reflect a hidden agenda of

assault of agrochemical industries on the academic research. What will be the impact of such demands under the garb of RTI? Will it not demoralize the researchers and encourage abuse of RTI by commercially interested agents representing themselves as information seekers?

21. The researcher has evaluated the concentration levels of different organochloring pesticides (OCPs) in medicinally important vegetables and analysed their impact. The questions and demands could only be raised at different forum by the pesticide manufacturers if they apprehend the impact of this research on their market. The University professor, his scholar and research team, in fact educating are the people with their research findings against overuse of pesticides. If this concept reaches people, and properly understood, farmers might move towards agriculture without harmful pesticides. Let us understand the demand of the appellant; these are her points of RTI application.

- 1. Date of beginning and date of completion of the residues analysis narrated in the news item.*
- 2. Particulars of technical specification of the instruments used for residue analysis (including minimum detection limit).*
- 3. Technical grade of various pesticides obtained their purity, source and date of supply etc. Give photocopy of the purity standard as given by the supplier.*
- 4. Reading taken in respect of each sample.*
- 5. Limit of quantification and details of determination thereof.*
- 6. Calibration and related data including Linear Calibration Range.*
- 7. Confirmatory tests for validating data for each sample.*
- 8. Details of method of analysis of samples.*
- 9. Reading related to "regent blank "along with chromatograms thereof.*
- 10. Details of confirmatory tests done for residues in all samples.*
- 11. Give copies of chromatograms showing presence/absences of pesticide residues in all samples analysed.*
- 12. Give details of determination of accuracy, precision and sensitivity limit of the method used.*
- 13. Give the contact addresses of the chemists who analysed the samples for pesticides residues.*
- 14. Give copies of the laboratory log book as maintained during this analysis.*

22. How such demands could survive under an RTI request? What is her right to demand the data and raw materials of the scholar? How is that a corporate business entity's representative raise cross-examination-type-questions using RTI Act? Is it not misuse of RTI tool? The information existing or held by the public authority can be accessed to under this law. Definition of 'information' under RTI Act, does not include 'answers' to 'questions'. There is no provision to answer such grilling questions. The intention behind this is not to secure access to information but to frighten the research itself. In fact, the Professor and Scholar are nice enough to answer certain questions as mentioned in above table, which they are under no obligation to as per RTI Act. The University and the Scholar, who are serving the interests of the people with the help of infrastructure generated by the tax payer's money, have no duty to answer any cross examination on her conclusions either to manufacturers of pesticides or their agents. The thesis was result of research after candidate duly admitted into the program, supervised by a professor, partly presented to the concerned committee, evaluated by experts, besides successfully defended in viva voce, should not be subjected to any further scrutiny by anybody. The University and it's researchers, in fact, have fulfilled their duty towards the people, farmers and the environment of this nation. Professor P.S. Khillare has rightly referred the judgment in CIC/AT/A/2008/00533 dated 22.10.2008 wherein learned CIC Mr A N Tiwari, said:

4. Respondents have given to the appellant some information corresponding to his RTI-queries but have declined to disclose the major part of the information requested on the ground that this was the intellectual property of the Scientists, the host Institute and the funding agency. These data, if disclosed, were likely to be used for writing theses, research articles, training manuals, bulletins, etc. These were also open to wrong interpretation by interested parties which had the potential to jeopardize the interest and the reputation of the Research Institute. The respondents had contested the appellant's contention that PFDC, WTC was an externally funded project of the Ministry of Agriculture and hence the Indian citizen had the right to seek all information about the scheme in the interest of public welfare. According to the respondents, a Research Scheme was not like any other welfare scheme of the government. Research Schemes are founded to generate several varieties of data which are used to bring out technical publications. They insist that regardless of who sponsors a Research Project, all

data generated in course of implementing the project comprises the Institute's intellectual property which cannot be shared with all and sundry. According to the respondents, they have provided to the appellant all information which was meant for general usage but they were not obliged to provide to the applicant information regarding the basic experimental designs and proper research data related to the Project.

5. This is not the first time that the Commission has been approached by an appellant to allow him access into the research data of public authority such as the IARI. It has been the decision of this Commission in ***Rakesh Sanghi Vs. International Advanced Research Centre for Powder Metallurgy and New Materials; Appeal No. CIC/AT/A/2007/01363***; Date of Decision: 24.04.2008 that all research data generated by an organization known to be devoted to research and experimentation is the intellectual property of that organization and it cannot be allowed to be disclosed under the RTI Act. Section 8(1)(d) of the RTI Act clearly bars disclosure of such information. Commission is fully in agreement with the respondents that no person can be allowed to use the provisions of the RTI Act to access available data about experimental design and statistics / data generated through a research project. If allowed to be disclosed this has the capacity to irreparably damage the interests of research institution. Such institutions are entitled to exclusive control over their data and intellectual resources and share it only with those who are entitled to access these and to be used for the Institute's own purposes. It shall be a travesty of justice and equity if the data and resources painstakingly generated by scientists of research Institute is handed over on a platter to any person who wants to have access to it in order to use it for promoting his own interest – commercial as well as other. This cannot be allowed. ....requested data cannot be disclosed to the appellant as it attracts the exemption under Section 8(1)(d) of the RTI Act.

23. If research based criticism is made, there is no defamation. Fair comment is a universally accepted defence to the charge of defamation and that is part of freedom of speech and expression. In a similar attempt the CCFI's contention of 'defamation' was rejected by Hon'ble Delhi High Court in another case against CCFI. The pesticide makers have duty to give information to the farmers and the people in general who consume the farm produce about how harmful or harmless the usage of pesticide. It is called 'product liability' and right to information guaranteed under Consumer Rights world wide, more specifically under Consumer Protection Act, 1985 in India. They cannot terrorize the researchers like Ms Sapna, Prof. Khillare and academic institutions like JNU.

24. The CCFI earlier known as Pesticide Manufacturers Association filed a writ petition against Rajasthan Patrika and the Hon'ble Delhi High Court (<https://indiankanoon.org/doc/76508205/> M/S. Crop Care Federation Of India vs Rajasthan Patrika (Pvt) Ltd. CS (SO) 531/2005 on 27 November, 2009) rejected it saying the defamation case filed by CCFI did not reveal any cause of action. When Rajasthan Patrika published articles about ill-effects of pesticide usage and resolution of farmers not to use anymore pesticides, the CCFI filed defamation cases, which were challenged as baseless. It has alleged that criticism against usage of pesticides is defamation of manufacturers, which was not accepted by court of law. CCFI challenged it in Delhi High Court, which briefly referred to the content of articles:

A brief description of the nature and content of the impugned articles would be pertinent here. The impugned articles are part of a series of articles published in the newspaper, "Rajasthan Patrika". The first article dated 12-02-2004 highlights the harmful effects of pesticides, insecticides etc. on the human health and asserts high contamination of various prohibited chemicals etc. in the various vegetables available in various parts of the state of Rajasthan. The second article dated 13-02-2004, in the beginning, delves into the question as to why the farmers allegedly use such high levels of insecticides/pesticides etc. It attributes the reason to the personal greed of people involved. It further points out the harmful effects on the soil, water etc of the overuse/misuse of insecticides etc. The third article dated 15-02-2004 shifts focus to fruits and makes similar assertions. The article dated 16-02-2004 fixes the responsibility for the crises on various departments including agricultural, pollution control, health and food etc. The article dated 17-02-2004 is a report of the state government's plans to deal with the situation (about use of pesticides) while the next one, dated 22-02-2004 is about the central planning to inquire in the issue. The last of the impugned article describes that hundreds of peasants have resolved not to use insecticides in future.

25. Justice Ravinder Bhat held that "the plaint, read as a whole cannot be said to have disclosed a cause of action, disclosing any defamation, and explained how such SLAPP cases were designed to defeat public debate on public interest issues.

The present suit contains all the ingredients of a "Slap suit". A strategic lawsuit against public participation (SLAPP) is a lawsuit intended to censor, intimidate and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition. Winning the lawsuit is not necessarily the

intent of the person filing the SLAPP. In such instances the plaintiff's goals are accomplished if the defendant succumbs to fear, intimidation, mounting legal costs or simple exhaustion and abandons the criticism. A SLAPP may also intimidate others from participating in the debate. The acronym (SLAPP suit) was coined in the 1980s by University of Denver professors Penelope Canan and George W. Pring. The term was originally defined as "a lawsuit involving communications made to influence a governmental action or outcome, which resulted in a civil complaint or counterclaim filed against nongovernment individuals or organizations on a substantive issue of some public interest or social significance."

It has since been defined more broadly to include suits about speech on any public issue. The original concept is closely related to freedom of speech and the right to petition. One New York Supreme Court Judge J. Nicholas Colabella, described such civil suits graphically as "Short of a gun to the head, a greater threat to First Amendment expression can scarcely be imagined."

A number of jurisdictions have made such suits illegal. The plaintiff's attempt, in the opinion of the Court, by filing the suit here in Delhi, in relation to publications in Rajasthan, on what were matters of public concern, but called for debate, was to muffle the airing of such views. The suit was not brought by a company really aggrieved, as a manufacturer, who alone could have claimed a cause of action, but virtually a trade body, though created as a company limited by guarantee. The attempt was plainly to stifle debate about the use of pesticides and insecticides. Whether such use, or overuse of pesticides over a period of time, affects life, plant or human, could be a matter of discourse, but certainly not one which could be stifled through intimidatory SLAPP litigation.

In the words of Walter Lippmann, newspapers are "the bible of democracy". Justice Holmes (*Abrams v US*, 250 US 616 (1919)) characterized the discussion of public matters as essential to see that "the ultimate good desired is better reached by a free trade in ideas". More poignantly, one of the principal architects of the American Constitution, James Madison, (1751-1836) stated that:

"Nothing could be more irrational than to give the people power, and to withhold from them information without which power is abused. A people who mean to be their own governors must arm themselves with power which knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both."

Free speech and expression is the life blood of democracy. Any action - even civil injunctions, damages, or threat to damages, are bound to chill the exercise of that invaluable right of the people, and the press. By giving such orders, or

allowing claims for damages, for perceived injury to reputation, the harm done to freedom of press, which facilitates free flow of ideas is incalculable.

26. In this case also, the same trade body is behind the appellant. Unfortunately these profit-mongering bodies have used RTI to SLAPP to threaten the research and frighten the scholars. This kind of misuse of RTI is increasing and they bring every such application to the level of second appeal or take beyond too. There is no surprise if this appellant is used as conduit to file a writ petition challenging this order. They too know that such SLAPP of RTI will not succeed, but still they use as it would put them to trouble of passing through the trauma of trial and divert the financial resources. A young educated journalist represented vested interests of traders in this case.

27. The RTI Act is meant to promote public interest and public-interest-based research. It cannot encourage the attempt to use the RTI to raise such harassing questions, frightening the researchers, demoralizing the research supervisors and prevent the JN University from its fearless pursuit of independent research. Universities need to be shielded in public interest from such motivated attacks. Freedom of speech is guaranteed to every citizen to express their opinions, studies and researches or experiments. Even if some of their findings are wrong, it is not a crime. Anyone is free to come up with correct prepositions. That freedom is also guaranteed. If the appellant has enough proof, she can also take fund from the agencies which she is representing and spell out her research products. Her data also shall be protected from RTI abusers. The Commission cannot permit such strategies of misusing the RTI to silence critiques and researchers and obstructing the academic activities of the Universities such as JNU.

28. The Commission records its appreciation for the independent research and academic honesty in responding to certain questions of applicant, though appellant represented pesticide manufacturers, and recommend scholars to continue their good job in the interest of nation, food safety and environment. They are right in denying certain information. However, the University shall keep the thesis in library and permit inspection and taking notes from it, however cautioning against unethical plagiarism and unacknowledged cutting and pasting

of their work. The University is recommended to publish the research work and also to get it translated into regional languages to explain farmers how the usage of pesticide is harmful to life and environment. Their research results should help the community to secure environment and public health. The Commission records its admonition against this unethical abuse of RTI and disapprove the harassment caused to Professor and his research scholar of the University. The Commission recommends the appellant to pay Re. 1/- to the SES/JN University, within 15 days from date of receipt of this order as a token of penalty against misuse.

(M. Sridhar Acharyulu)  
Information Commissioner

Authenticated true copy

(Dinesh Kumar)  
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

1. The CPIO under RTI,  
Jawahar Lal Nehru University,  
Room No. 118, SC/ST/OBC Cell (Admn Block),  
JNU, New Delhi-110067 (RTI Cell).
2. Ms. Archana Nair,  
Kantaniwas, Apt, No. 6, 2<sup>nd</sup> Floor,  
11<sup>th</sup> Road, Opp. Madhu Park, Khar (West),  
Mumbai-400052.