

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

104

CWP-39392-2025

Date of Decision : January 20, 2026

TRIPURARI CHOPRA

-PETITIONER

V/S

CENTRAL INFORMATION COMMISSION AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Sonia G. Singh Samber, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Ashish Rawal, Advocate
for the respondent No.1.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner, by way of instant writ petition, as cast under Article 226 of the Constitution of India, seeks quashing of the order dated 04.10.2023 (Annexure P-4), passed by the Public Information Officer-respondent No.3, vide which, her application, preferred under the Right to Information Act, 2005 (for short, 'the Act'), was declined, on the ground that the information sought for, does not fall within the meaning 'information', as defined under Section 2 (f) of the Act. Further, the orders dated 13.12.2023 (Annexure P-6), and 04.11.2024 (Annexure P-10) are also put to challenge, whereby, first and second appeal preferred by her have been dismissed.
2. Learned counsel for the petitioner submits that the information, which is already in existence and accessible to the public authority under law, cannot be denied to the applicant, in terms of Section

6 of the Act. Further, the intent of the Act is to promote public interest, and ensure transparency in the administration of the public offices. It is submitted that the information sought by the petitioner does not fall in any of the exceptions carved out in Sections 8 and 9 of the Act, therefore, the authorities have erroneously declined the relief prayed for. Finally, it is urged that the information, as sought by the petitioner, is necessary for just and proper adjudication of a criminal appeal (CRA-AD-320-2023), which is pending before this Court, and denial thereof would result in gross miscarriage of justice.

3. No other argument has been raised.

4. This Court has heard the submissions advanced on behalf of the petitioner, and perused the record.

5. Before delving into the matter in issue, a reference to the information sought by the petitioner is inevitable, and thus, the same is extracted here-in-below:-

“Please give me a certified copy of this LAW/Order and Provision/Section under the RTI Act 2005, in which a Additional Sessions Judge-Cum-Exclusive Court for Fast Tracking of Heinous Crime against women have the power to change the legal aid counsel of the complainant without asking complainant and without taking permission of complainant for change her Legal Aid Counsel which is already provided by the DLSA since last 5 year with another Legal Aid Counsel of the DLSA on the same day of Final Argument without issue any notice/directed to appear in this court on day of Final Argument, to the counsel of complainant, which is already provided by the DLSA 5 year before with DLSA Letter, through passed a Zimny Order and copy of Zimny order forwarded to DLSA vide court dispatch Register number with a request to DLSA for appoint a suitable lawyer to represent complainant and address her argument on her behalf

*after going through the case file on the same day of hearing/
Final Argument Day”*

6. *Ex facie*, a bare perusal of the abovesaid sought for information, reveals that the petitioner, under the guise of the RTI mechanism, is attempting to elicit a legal opinion from a Public Information Officer, as to whether, a Legal Aid Counsel, in a criminal case, can appear on behalf of the complainant without obtaining a vakalatnama/request letter for engagement, and without informing the complainant or perusing the case file, specifically, in cases involving heinous offence against women, on the date of final arguments, which is not permissible. Further, as opined in the impugned orders, this Court is also of the considered view that the information sought by the petitioner, does not fall within the definition of word “information”, in terms of Section 2(f) of the Act. In this view of the matter, no fault can be found with the order dated 04.10.2023 (Annexure P-4). Likewise, before concurring with the view taken by the P.I.O. concerned, and dismissing the appeal preferred by the petitioner, the First Appellate Authority had examined the matter *in extenso*. It would be expedient to refer to the relevant observations made by the First Appellate Authority, and the same read as under:-

“7. The queries of appellant does not fall within the definition of ‘information’ so; provided under section 2(f) of the RTI Act, 2005 rather; his queries are in the form of seeking legal advice and opinion upon the functions and duties of a Legal Aid Counsel. Thus, no information can be supplied to him under RTI Act, 2005. This view is fortified by Hon’ble the Supreme Court of India in Central Board of Sec. Education & Anr. Vs. Aditya Bandhopadhyay & ors. (Civil Appeal No.6454 of 2011) decided on 09.08.2011, wherein it had held as under:-

“...xxx.... But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ 50 in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.”

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*Thus, the reply of PIO is legally tenable and no intervention is required in the impugned order of PIO. However, the appellant has submitted that her queries relates to the District Legal Service Authority, Karnal so; she may approach the concerned public authority of DLSA under RTI Act, 2005, if so advised. Accordingly, the first appeal is **dismissed** being bereft of any merit.”*

7. In conspectus of the above, this Court has found no reason to interfere with the impugned orders. Consequently, the writ petition, being bereft of merit, is **dismissed**.

January 20, 2026
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No