

Central Information Commission

Decision No.298/IC(A)/2006
F. No.CIC/MA/A/2006/00598

Dated, the 21st September, 2006

Name of the Appellant : Sh. Ritesh Parmar, C/o Progressive Public School, 29, Adarsh Colony, Kidwaipuri, Patna – 800 001.

Name of the Public Authority: Commissionerate of Customs (Preventive), C.R. Building, 5th floor, Birchand Patel Path, Patna – 800 001.

DECISION

Facts of the Case:

1. The appellant had sought certain information relating to one COFEPOSA case against Sh. Vyasjee Prasad, Prop. M/s Annapurna Bhandar, Gopalganj (Bihar). The information sought relate to the names of officials who participated in seizure of smuggled goods, name and address of informers, file notings of officers on the COFEPOSA proposal and letters written to various authorities.

2. The CPIO has contended that *“the purpose of COFEPOSA is to check the violation of Foreign Exchange Regulations & Smuggling Activities which have deleterious effect on the economic interest of the state/nation & thereby a serious adverse effect on the security of the state. Disclosure of any proposal of the seizing unit for application of COFEPOSA, 1974 upon a person, examination of such proposal by the sponsoring authority and subsequent approval of screening committee may adversely affect the economic interests of the State and would endanger the life or physical safety of the informer(s) as well as the Departmental officers, processing the proposal. Hence, such information is exempt from disclosure”* u/s 8(1)(a) & (g) of the Act.

3. He has also contended that *“the information sought is also exempt from disclosure under Section 8(1)(h) of the Right to Information Act, 2005 due to the fact that proceeding for prosecution against Sri Vyasjee Prasad is already in progress in the court of law and as such supply of information may impede the*

course of prosecution contemplated against the person concerned.” The appellate authority has upheld the decision of the CPIO.

Commission’s Decision:

4. Information sought by the appellant relate to the COFEPOSA case against Sh. Vyasjee Prasad. The purpose of COFEPOSA is to check the violation of Foreign Exchange Regulation & Smuggling Activities. Therefore, the disclosure of the proposal containing all the relevant details for the smuggling activities would be detrimental to economic interest of the State. Hence, the exemption claimed u/s 8(1)(a) and (g) of the Act is justified.

6. Moreover, the proceedings for prosecution against the above named persons are under progress in the Court of law and as such disclosure of the information sought would impede the process of prosecution of the case. Hence, the exemption u/s 8(1)(h) from disclosure of information has been correctly applied.

7. In view of the above, the decision of the appellate authority is upheld and the appeal is accordingly dismissed.

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Cc:

1. Sh. Ritesh Parmar, C/o Progressive Public School, 29, Adarsh Colony, Kidwaipuri, Patna – 800 001.
2. Sh. Devendra Singh, CPIO, Commissionerate of Customs (Preventive), C.R. Building, 5th floor, Birchand Patel Path, Patna – 800 001.