

CENTRAL INFORMATION COMMISSION

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F.No. CIC/AT/A/2006/00004

Dated the 30th June, 2006

Appellant: Shri Ravinder Kumar, Advocate, 37, Lawyer's Chamber, Supreme Court Compound, New Delhi-110 001.

Respondents: Shri Bhim Sain Bassi, Joint Commissioner of Police & AA, Southern Range, Police HQ, I.P. Estate, New Delhi-110002.

The appeal before us has been filed by Shri Ravinder Kumar, Advocate (appellant) against the order dated 14.1.2006 of the appellate authority, JCP, Southern Range, New Delhi. The AA had upheld the order of the CPIO & DCP (West District), New Delhi in the matter of the appellant's original application for information dated 23.11.2005. It is seen that the information sought by the appellant was in respect of one Gurbax Singh Bucchi who is accused in a case under FIR 370/05 and 456/05 in Police Station, Kirti Nagar, New Delhi. The information requested by the appellant was turned down both by the CPIO and the AA under exemption provisions of Section 8 of the RTI Act. The public authority have taken the position that both the cases viz. 370/05 and 456/05 were either under investigation or under prosecution. In either case these attracted the exemption provision of Sub-Section 8(1) (h) as well as Sub-Section 8(1)(g).

2. The parties were called for a hearing today. The appellant was called and found to be absent whereas respondents were represented by Ms Nirmal Kaur, ACP and Shri Sumer Singh, ACP, Delhi Police.

3. During the hearing, the CPIO, Dy. Commissioner of Police, West District, New Delhi reiterated the point that as both cases were either under investigation or prosecution, disclosure of the information i.e. the index of the case diaries as requested by the appellant will attract the exemption of Section 8(1) (h) and 8(1)(g). Section 8(1) (h) exempts disclosure of information "which would impede the process of investigation or apprehension or prosecution of offenders" and Section 8(1) (g) bars disclosure of information which will bar to "identify the source of information or assistance given in confidence for law enforcement or security purposes."

4. Given the nature of both these criminal cases, it is quite clear that being under investigation or prosecution, both attract the exemption clause 8(1) (h). They would also be hit by Sub-Section 8(1) (g) as both cases are still in progress at different stages and disclosure of the information of the type of evidence as well as the sources of such information could be injurious and even fatal to the prosecution case.

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5. The appellant has pleaded that similar information has been provided to him by certain police authority and has wondered, why they are now so reluctant to part with identical information as requested by him. We would not like to speculate on the circumstances or the reasons of disclosure of identical information to the appellant earlier. We limit ourselves only to examining whether the information requested by him is barred by exemption provided in the Act.

6. This Commission consistently taken the view that matters under investigation or those taken up in prosecution should not be disclosed till all proceedings in such cases are over. We uphold therefore the position taken by the AA and the CPIO that in the present case disclosure is barred by Section 8(1)(h) and 8(1)(g) of the RTI Act.

7. In view of the reasons recorded above, the appeal is rejected.

Sd/-
(A.N. TIWARI)
INFORMATION COMMISSIONER

Sd/-
(Ms PADMA BALASUBRAMANIAN)
INFORMATION COMMISSIONER

Authenticated by –

Sd/-
(P.K. GERA)
REGISTRAR

Address of parties:

1. Shri Ravinder Kumar, Advocate, 37, Lawyer's Chamber, Supreme Court Compound, New Delhi-110 001.
2. Shri Bhim Sain Bassi, Joint Commissioner of Police & AA, Southern Range, Police HQ, I.P. Estate, New Delhi-110002.