

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26101592

File No. CIC/BS/A/2013/000275/4579

17 February 2014

Relevant Facts emerging from the Appeal:

Appellant : Mr. K. K. Gupta
C/o Postmaster
Dadabari,
Kota – 324009, Rajasthan

Respondent : CPIO & Sr. Superintendent of Post Offices
Department of Posts
Kota Division,
Kota – 324001, Rajasthan

RTI application filed on : 12/10/2012
PIO replied on : 30/10/2012
First appeal filed on : 05/11/2012
First Appellate Authority order : 22/11/2012
Second Appeal received on : 04/01/2013

Information sought:

The applicant wants the certified copies of defense brief, appeal sent to DPS Ajmer against the punishment, parawise notings of the Division on the appeal sent to the Regional office and also provide the copy of the decision taken by DPS Ajmer (all relating to the departmental enquiry on Ex. GDS Mr. Jagdish Prasad Suman).

Grounds for the Second Appeal:

The CPIO has refused the desired information under 8(1)(h) of the RTI Act.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Absent

Respondent: Absent

The appellant was given an opportunity to participate in the hearing, however, he is absent.

It is seen from the appellant's 2nd appeal to the Commission that he is arguing that information can be denied under Section 8(1)(h) of the RTI Act only if the CPIO can show that the disclosure of the information would impede the process of investigation or apprehension or prosecution of offenders but the CPIO in his reply has merely quoted the said section without citing any reasonable grounds to justify the denial of the information. It has also been mentioned by the appellant that the departmental enquiry in the matter has already been concluded. The CPIO, in spite of being put on notice, has not come forward to explain the reason for the denial of the information.

Decision notice:

It is seen that the Hon'ble **Delhi High Court** in WP(C) 3114/2007, decided on 03/12/2007 (Bhagat Singh Vs. CIC & Anrs) has held as under:

13. Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore be strictly construed. It should not be interpreted in manner as to shadow the very right itself. Under Section 8, exemption from releasing information is granted if it would impede the process of investigation or the prosecution of the offenders. It is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material. Sans this consideration, Section 8(1)(h) and other such provisions would become the haven for dodging demands for information.

The **CPIO** in his reply dated 30/10/2012 has failed to show how the disclosure of the information sought by the appellant would 'impede' or even on a lesser threshold 'hamper' or 'interfere' with the investigation, if any. Accordingly, the CPIO is directed to provide the information sought by the appellant in his RTI application dated 12/10/2012 within 15 days from the date of receipt of this order.

The appeal is disposed of accordingly.

BASANT SETH
Information Commissioner

Authenticated true copy:

(R. L. Gupta)
Dy. Registrar/Designated Officer