



**Central Information Commission**  
**Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,**  
**Bhikaji Cama Place, New Delhi-110066**  
**Web: www.cic.gov.in Tel No: 26167931**

Case No. CIC/SS/A/2013/000389  
October 10, 2013

Appellant : Shri Jatinder Singh  
Respondents : Delhi Police (West District)  
Date of Hearing : 10.10.2013

**ORDER**

The present appeal, filed by Shri Jatinder Singh against Delhi Police (West District), was taken up for hearing on 10.10.2013 when the Respondents were present through Shri Satya Dev Dahiya, ACP. The Appellant was present in person.

2. The Appellant through his RTI application dated 28.08.2012 sought following information:

*"Q.1 Kindly supply the attested copies of the Roznamcha of PP Madipur, PS Punjabi Bagh, of 18/08/2012.*

*Q.2. Kindly supply the separate attested copy of DD No. 37 & 38 of PP Madipur dated 18/08/2012.*

*Q.3. Kindly supply the attested copy of the detail of the call made at 100 No. by my son Manpreet Singh vide channel number 134 through his mobile*

*number 9818549682 dated 18/08/2012. Please also supply the Rawangi and Vapsi of the enquiry officer of his call at 100 No. dated 18/08/2012.*

*Q.4. Kindly supply the attested copy of the detail of the call made at 100 No. by SI Ms. Adity Lily through her cell number 9868919823 dated 18/08/2012. Please also supply the Rawangi and Vapsi of the enquiry officer of her call at 100 No. dated 18/08/2012."*

3. The CPIO vide his letter dated 25.09.2012, while informing the Appellant that requisite information relates to the case FIR No. 273/12 u/s 353/186/323/34 IPC P.S. Punjabi Bagh which is still pending investigation, declined the disclosure of information citing exemption u/s 8(1) (h) of the RTI Act.

4. Aggrieved by this reply of the CPIO, the Appellant filed an appeal before the Appellate Authority on 03.10.2012 which the Appellate Authority decided vide his order dated 23.10.2012 upholding the CPIO's reply.

5. The Appellant then filed the present appeal before the Commission challenging the denial of information by the Respondents.

6. During the hearing, the Respondents reiterate their stand that disclosure of the information sought by the Appellant at this stage would impede the process of investigation. They however, when asked, are not able to give reasons for the same. Their only submission is that since the information in question is the basis of the current proceedings, it should not be divulged. The Appellant, on the other hand, alleges "manipulation" on the part of the Respondents while dealing with the instant case.

7. Having heard the submissions of the parties and perused the records, the Commission notes that both the CPIO and the Appellate Authority have failed to state (in their respective orders) the reasons as to how the disclosure of present set of information would impede the process of investigation. The CPIO has not passed

a pass speaking order in the matter. He has simply forwarded the reply received from the concerned SHO to the Appellant. The First Appellate Authority has also routinely endorsed the CPIO's view. Even their representatives, present during the hearing, are not able to give any cogent reason as to how the information in question would impede the process of investigation, if allowed to be disclosed.

8. The Delhi High Court in *Bhagat Singh v. Chief Information Commission and Others*; W.P. (C) No. 3114 of 2007; Date of Decision: 03.12.2007, while dealing with the subject issue, had observed as follows:

“.....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....”

9. In its another judgment in *Addl. Commissioner of Police (Crime) v. Central Information Commission and Another*; W.P. (C) No. 7930 of 2009; Date of Decision: 30.11.2009, the Delhi High Court had made following observation on the subject issue:

“85. Mere pendency of investigation, or apprehension or prosecution of offenders is not a good ground to deny information. Information, however, can be denied when furnishing of the same would impede process of investigation, apprehension or prosecution of offenders. The word “impede” indicates that furnishing of information can be denied when disclosure would jeopardize or would hamper investigation, apprehension or prosecution of offenders. In Law Lexicon, Ramanatha Aiyar 2nd Edition 1997 it is observed that —the word —impede is not synonymous with ‘obstruct’. An obstacle which renders access to an inclosure inconvenient, impedes the entrance thereto, but does not obstruct it, if sufficient room be left to pass in and out. ‘Obstruct’ means to prevent, to close up.”

86. The word “impede” therefore does not mean total obstruction and compared to the word ‘obstruction’ or ‘prevention’, the word ‘impede’ requires hindrance of a lesser degree. It is less injurious than prevention or an absolute obstacle. Contextually in Section 8(1)(h) it will mean anything which would hamper and interfere with procedure followed in the investigation and have the effect to hold back the progress of investigation, apprehension of offenders or prosecution of offenders. However, the impediment, if alleged, must be actual and not mere belief and a camouflage to deny information. To claim exemption under the said Sub-section it has to be ascertained in each case whether the claim by the public authority has any reasonable basis. Onus under Section 19(5) of the RTI Act is on the public authority. The Section does not provide for a blanket exemption covering all information relating to investigation process and even partial information wherever justified can be granted. Exemption under Section 8(1)(h) necessarily is for a limited period and has a end point i.e. when process of investigation is complete or offender has been apprehended and prosecution ends. Protection from disclosure will also come to an end when disclosure of information no longer causes impediment to prosecution of offenders, apprehension of offenders or further investigation.”

10. The Delhi High Court in its above rulings has clearly laid down that mere pendency of investigation cannot be the reason for denying the information u/s 8(1)(h) of the RTI Act. The authority concerned has to state reason as to how disclosure of information would impede the process of investigation, apprehension and prosecution of offenders. However, the Respondents in the present case have failed to do so. Even during the hearing they do not cite any cogent reason how disclosure of information in question would impede the process of investigation. Moreover, the type of information the Appellant here has sought for does not have the characteristic of causing any impediment to investigation being carried out in the present case since all that the Appellant wants to obtain from the Respondents through his present RTI application is the action taken by the police on the PCR calls made in the instant case, and the narration of the incident—which would otherwise be known to the Appellant, being the person present in the place visited by the police— recorded by the police official after visiting the place of incident.

11. In view of the above, the Commission is not in a position to uphold the Respondents’ decision in the present case, and accordingly hereby directs the

CPIO to provide the information as requested by the Appellant in his RTI application to him within 2 weeks of receipt of this order.

12. Appeal is allowed.

(Sushma Singh)  
Information Commissioner

Authenticated by

(D.C. Singh)  
Deputy Registrar

Address to the Parties:

1. Shri Jatinder Singh  
Flat No. 74, SFS DDA  
Punjabi Bagh Apartment  
Rohtak Road  
New Delhi 110063
  
2. The Central Public Information Officer (RTI)  
& Additional Deputy Commissioner of Police  
Delhi Police, West District  
Police Station-Rajouri Garden  
New Delhi 110027
  
3. The Appellate Authority (RTI)  
& Deputy Commissioner of Police  
Delhi Police, West District  
Police Station-Rajouri Garden  
New Delhi 110027