

Central Information Commission, New Delhi
File No.CIC/SM/A/2012/001902
Right to Information Act-2005-Under Section (19)

Date of hearing : **7 May 2013**

Date of decision : **7 May 2013**

Name of the Appellant : **Shri P S Jadon,**
C/o. Dr. Shivi Jaggi, B – 323,
Ground Floor, Lok Vihar,

Name of the Public Authority : **CPIO, Central Vigilance Commission,**
Satarkta Bhawan, GPO Complex,
Block A, INA, New Delhi – 110 023.

The Appellant was not present, in spite of notice.

On behalf of the Respondent, Shri Surendra Mohan, Director, was present.

Chief Information Commissioner : **Shri Satyananda Mishra**

2. We heard the submissions of the respondents. The Appellant had already sent to the CIC his written comments with the request that the order of the CPIO be set aside.

3. In his RTI application, the Appellant had referred to some letter dated 3 February 2010 in which the CVC had conveyed its independent observations in the matter relating to the Appellant himself. He had wanted a copy of that letter.

Besides, he had also wanted the copy of the file noting relating to the subject. The CPIO had refused to disclose the information on the ground that the matter was yet not finalised and had invoked the exemption provision contained in subsection 1(h) of Section 8 of the Right to Information (RTI) Act in support of his decision. Against this, the Appellant had preferred an appeal. The Appellate Authority had refused to accept the appeal and found the response of the CPIO in order.

4. The Appellant has, in his written submissions, stated that he has, in the meanwhile, got several documents from the CVC relating to this case including its advice, the minutes of the meeting on this matter and the refusal of sanction by the DoT and, therefore, in his opinion, the disclosure of the letter dated 3 February 2010 could not affect the impending prosecution. On the other hand, the respondents submit that criminal proceedings against the Appellant were still pending and the disclosure of this information might adversely affect those proceedings. Therefore, they are not in favour of the disclosure of this information.

5. We have carefully considered the facts of the case and the submissions made by both the sides. Now that the criminal proceedings have commenced against the Appellant in this matter, it may not be in the interest of prosecution of the offender to disclose this particular piece of information. The exemption provision contained in subsection 1(h) of Section 8 of the Right to Information (RTI) Act precisely covers such information. Needless to say, the trial court can always, if it so wishes, ask for the this particular document from the CVC.

6. The appeal is disposed of accordingly.

7. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar