

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

File No. CIC/BS/A/2013/000841/5152
21 May 2014

Relevant Facts emerging from the Appeal:

Appellant : Mr. Patel Shankarlal Ambalal
Shahera Bhagol,
Opp. Swaminarayan Temple of Towerwala,
Panchmahals,
Godhara-389001

Respondent : CPIO & Superintendent of Post Offices
Department of Posts
Panchmahals Division,
Godhara-389001

RTI application filed on : 15/05/2012
PIO replied on : 07/06/2012
First appeal filed on : 09/06/2012
First Appellate Authority order : 09/07/2012
Second Appeal dated : 15/02/2013

Information sought:

The appellant has sought the following information related to the Term Deposits for one year mentioned in his RTI Application:-

- a) Present balance of concerned account(credit).
- b) Date of close of concerned account.
- c) Type of re-payment of the concerned deposit. Through Cheque or Cash
- d) If the payment made by Cheque, please give Cheque Number, Date of Cheque, bank's name of Cheque, whose name the Cheque written, amount of the Cheque.
- e) Please inform if the Cheques are Bearer/order/Crossed or Account Payee.
- f) Through which bank the Cheque came for collection and its date and in which account it was deposited.

Grounds for the Second Appeal:

The CPIO has denied the information under Section 8(1)(h) of the RTI Act 2005.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Patel Shankarlal Ambala through VC

Respondent: Absent

The appellant stated that he holds deposits aggregating Rs.309400/- with the HPO Godhra and wants the information relating to his accounts as requested in his RTI application dated 15/05/2012. He further stated that Shri R C Trivedi, a postal agent, had committed fraud and the

respondents are denying information under Section 8(1)(h) of the RTI Act without demonstrating as to how the release of the information would impede the investigation. Despite notice the CPIO is not present for canvassing his case/contesting the appellant's submissions.

Decision notice:

The matter at hand is squarely covered by the Hon'ble Delhi High Court's decision dated 03/12/2007 (WP(C) 3114/2007 Bhagat Singh Vs. CIC & Anrs) holding 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 a haven for dodging demands for information."

As per the ratio of the above cited decision the mere pendency of investigation is not sufficient justification by itself for withholding the information. It must be shown that the disclosure of the information would 'impede' or even on a lesser threshold 'hamper' or 'interfere' with the investigation. This burden the respondents have failed to discharge. The CPIO is, therefore, directed to provide the information requested by the appellant in his RTI application dated 15/05/2012 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