

Central Information Commission, New Delhi
File No.CIC/SM/A/2011/001407
Right to Information Act-2005-Under Section (19)

Date of hearing : **24 May 2012**

Date of decision : **24 May 2012**

Name of the Appellant : **Shri D P Ojha**
Director General of Police (Retd.) Bihar,
House No. 4/8, Police Colony,
Gandhi Vihar, Anisabad,
Patna – 800 002.

Name of the Public Authority : **CPIO, Central Bureau of Investigation,**
AHD Cell, Kali Babu Street,
Ranchi – 834 001.

The Appellant was present in person.

On behalf of the Respondent, Shri R C Chaudhary, CPIO was present.

Chief Information Commissioner : **Shri Satyananda Mishra**

The Appellant was present in our chamber. The Respondent was present in the Ranchi studio of the NIC. We heard both their submissions.

2. The Appellant had sought a number of information relating to the advice given by the CBI to the State Government for initiating disciplinary proceedings against him. The desired information included the copy of the file in which the CBI had processed his case for tendering advice to the State Government for initiating disciplinary proceedings, the file which had been presented to the High Court in a sealed cover in compliance of the Court order and the file and records which had been sent to the Attorney General of India for seeking his

opinion in the matter concerning the Appellant. The CPIO had not disclosed any of the information by strangely citing the provisions of subsection 1(g) of section 8 of the Right to Information (RTI) Act, that is, that the disclosure of such information would endanger the physical safety of some individuals. He had also observed that the desired information formed part of the case diary and, therefore, could not be disclosed. The Appellate Authority had endorsed the decision of the CPIO of not disclosing any information.

3. We have carefully considered the submissions made before us as well as the facts of the case. It is a fact that the High Court had decided that there was not enough evidence available against the Appellant to proceed against him criminally. It is also a fact that the CBI had recommended to the State Government to initiate disciplinary proceedings against the Appellant. It is not denied that the records exist. Since no criminal prosecution is underway and that no investigation is pending, it cannot be argued that the disclosure of any of this information would have an adverse effect on either investigation or prosecution. The Respondent pointed out that some of the desired information had been submitted by the CBI before the High Court and, thus, it formed part of judicial records and, therefore, should be obtained from the High Court and not from the CBI. There is some merit in this argument. We have consistently held that a citizen must obtain copies of judicial records from the High Court under the rules and orders framed by it and not under the Right to Information (RTI) Act.

4. Keeping all the above facts in view, we now direct the CPIO to provide to the Appellant within 20 working days of receiving this order the photocopies of the relevant records sought by the Appellant excluding those which the CBI had filed before the High Court in connection with any case. If this information is not

available in the local office of the CBI at Ranchi and is held in any other office including the CBI headquarters, it must be summoned from those offices and provided to the Appellant.

5. The appeal is disposed of accordingly.
6. 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