

Central Information Commission, New Delhi
File No.CIC/SM/A/2011/001683
Right to Information Act-2005-Under Section (19)

Date of hearing : 31 July 2012

Date of decision : 31 July 2012

Name of the Appellant : Shri K Thakshinamurthy,
CP No. 9982, A Cell – 12,
Central Prison, Madurai – 625 016.

Name of the Public Authority : CPIO, Central Bureau of Investigation,
Anti Corruption Branch, Shastri Bhavan,
Chennai – 600 006.

The Appellant was present.

On behalf of the Respondent, Shri Ishwarmurthy, CPIO was present.

Chief Information Commissioner : **Shri Satyananda Mishra**

The Appellant was present in the Madurai studio of the NIC. The Respondent was present in the Channel studio. We heard both their submissions.

2. The Appellant had sought to know the source from where two documents cited as exhibits in a criminal case instituted against him in the trial court had been obtained. He had also raised several other queries strictly not amounting to information. The CPIO had declined to disclose any information on the ground that it was exempted. The Appellate Authority had endorsed the decision of the CPIO and had invoked the exemption provisions contained in subsection 1(h) of section 8 of the Right to Information (RTI) Act.

3. During the hearing, the Appellant submitted that the desired information

should be provided to him even if the matter was still pending before the court of law since the investigation was now over and the disclosure of the information could have no effect on the investigation. On the other hand, the Respondent pointed out that the exhibits cited by the Appellant in his RTI application had already been given to him by the trial court and therefore, no further information regarding those exhibits was required to be disclosed. He also argued that many of the queries were not strictly information since the Appellant had sought the comments and opinions of the CPIO only.

4. After carefully considering the facts of the case and the submissions made before us, we noted that except for the first two queries, the remaining four queries would not really amount to information. In these queries, he had sought clarifications/comments/opinion only; he cannot seek clarifications under the right to information. However, his first two queries are about the source from which two particular exhibits had been obtained, a purely factual information. If there are records in the CBI showing the source from which these exhibits had been obtained, we see no difficulty why such information cannot be disclosed. Therefore, we direct the CPIO to verify the records and, if available, intimate the Appellant within 10 working days of receiving this order the exact source from where those two exhibits had been procured/obtained.

5. The appeal is disposed off 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