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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10792/2017**

DEEPAK JUNEJA

..... Petitioner

Through: Mr Ayush Arora, Mr Paras Nath
Singh and Dr Deepak Juneja,
Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr Dev P. Bhardwaj, CGSC with Mr
Satya Prakash Singh, Advocate for R-
1/UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.12.2017

1. Issue notice.
2. The learned counsel appearing for the respondent accepts notice.
3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 28.10.2016 passed by the Central Information Commission (hereafter 'CIC'), whereby the petitioner's second appeal under Section 19(3) of the Right to Information Act, 2005 (hereafter 'the Act') against the order dated 15.09.2014 passed by the First Appellate Authority (hereafter 'FAA') was rejected. By the aforesaid order dated 15.09.2014, the FAA had rejected the petitioner's appeal against the denial of information sought by the petitioner in terms of his online application dated 05.07.2014.
4. The petitioner has restricted his relief in the present petition to seek the following information:-

“The PIO has failed to provide a complete list of persons receiving security from GOI. The PIO has cited exemption under Section 8(1)(g) &(j) for denial of information.

Firstly, the information sought is only about type of security and not details of security. More knowledge of type of security does not jeopardize any individuals security. It is commonly known for many persons and regularly reported in Media and does not in any way create a loophole in the security.

Secondly, it is in larger public interest that such a disclosure be made. People have an inherent right to know who their money is being spent upon and how much nor does such a disclosure result in unwarranted invasion of privacy. Mere disclosure of names of the beneficiaries of Tax payers money cannot be construed as Invasion of privacy. Hence there is a deep seated public interest in such information and such a disclosure is necessary for transparency and accountability.

It is further stated and clarified that the information only regarding private individuals be provided i.e. only those persons who are not currently holding any Constitutional or Statutory office.”

5. Apparently, the aforesaid information was denied to the petitioner as according to the respondent, the same is exempted from disclosure under Sections 8(1)(g) and 8(1)(j) of the Act. This is stoutly contested by the petitioner.

6. It is seen that, in the impugned order, the CIC has not addressed the aforesaid controversy as he has merely proceeded on the basis that the information sought for by the petitioner was not disclosed to the Parliament.

This consideration is wholly extraneous in the context of the statutory provisions of the Act. Section 8(1) of the Act lists out various clauses indicating the information that is exempted from disclosure under the Act. The proviso to Section 8(1) of the Act expressly provides that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

7. Thus, if it is found that any of the information sought by the petitioner could not be denied to the Parliament / State Legislature, the same would have to be disclosed to the information seeker irrespective of whether such information had been called for or provided to the Parliament.

8. In any view of the matter, the CIC was first required to examine whether information sought by the petitioner was exempted under clause (g) and (j) of Section 8(1) of the Act as was claimed by the CPIO.

9. In view of the above, the impugned order is set aside and the matter is remanded to the CIC to consider the rival contentions and pass an appropriate order.

10. The petition stands disposed of.

VIBHU BAKHRU, J

DECEMBER 05, 2017
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