

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9971 OF 2013**

The State of Maharashtra .. Petitioner.

V/s.

The Chief Information Commissioner & anr. .. Respondents.

WITH
WRIT PETITION NO. 10731 OF 2013

The State of Maharashtra .. Petitioner.

V/s.

The Chief Information Commissioner & anr. .. Respondents.

WITH
WRIT PETITION NO. 10732 OF 2013

The State of Maharashtra .. Petitioner.

V/s.

The Chief Information Commissioner & anr. .. Respondents.

Mr. M.P. Thakur, AGP for State-Petitioner.

Ms. Kanchan Pamnani, advocate for respondent No. 2 in WP 10731/13.

**CORAM : RANJIT MORE &
SMT. SADHANA S. JADHAV, JJ.**

DATE : APRIL 19, 2018.

P. C. :

1 Heard the learned AGP and the learned Counsel for the
respondent No. 2.

Talwalkar

2 Respondent No. 2 in the respective petitions applied to Public Information Officer of Office of Director General of Police, Maharashtra State for certified or true copies of information regarding proposal dated 26/7/06 submitted by ACP, ATS alongwith, investigation papers before Addl. DGP Shri Sanjeev S. Dayal(L. & O) for obtaining Sanction Order u/s. 23(2) of MCOC Act, 1999 and Police Manual. His application was rejected by the Information Officer resorting to provisions of Section 8(1)(g) of the Right to Information Act. Respondent No. 2 thereafter, approached the first Appellate Authority. His appeal was also dismissed. Respondent No. 2 thereafter, approached Chief Information Commissioner by way of second appeal. This appeal was disposed of by the impugned order whereunder the petitioners were directed to give copies of the police manual to respondent No. 2 as well as upload the same on the website of the Maharashtra Police.

3 Mrs. Thakur, learned AGP relying upon the provisions of section 8(1)(e),(g) and (h) and 8(2) submitted that the police manual is confidential document and same cannot be made available to respondent No. 2 neither the same can be uploaded on the website of the Maharashtra Police.

4 We have gone through the above referred provisions. Sub-section 8(1)(e) of the said Act reads as under :

“Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.”

Sub-section 8(1)(g) of the said Act reads as under :

“Information, the disclosure of which would endanger the life of physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.”

Sub-section 8(1)(h) of the said Act reads as under :

“Information which would impede the process of investigation or apprehension or prosecution of offenders.

Section 8(2) reads as under :

“Notwithstanding anything in the Official Secrets Act, 1923(19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.”

5 Respondent No. 2 in the present case is not seeking any information as contemplated under section 8(1) (e), (g) and (h). Police

Manual cannot be equated with the information and therefore, there is no impediment in giving copies thereof to him. Sub-section 8(2) has no application in the present facts and circumstances of the case. Judicial note can be taken of the fact that police manual is Government publication and copies of same are easily available. We therefore, do not find any error in the impugned order. The petitions are devoid of any merits. The same are accordingly dismissed.

[SMT. SADHANA S. JADHAV, J.]

[RANJIT MORE, J.]