

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH**

**102**

**CWP-18438-2018**

**Date of decision:27.07.2018**

**ASEEM TAKYAR**

**...PETITIONER**

**Vs.**

**CENTRAL INFORMATION COMMISSION AND OTHERS**

**...RESPONDENTS**

***CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH***

Present: Mr. Johan Kumar, Advocate,  
for the petitioner.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioner has approached this Court challenging the order dated 26.03.2018 (Annexure P-6) passed by the Chief Information Commissioner declining the petitioner the information under the Right to Information Act, 2005 relatable to the Special Protection Group (SPG) under the provisions of Section 24 (1) read with Second Schedule of the Right to Information Act.

It is the contention of the learned counsel for the petitioner that the information, as has been sought by the petitioner, would fall under the Proviso to Section 24 (1) of the Right to Information Act as the said information, which is sought by the petitioner, is neither relatable to the intelligence or security of the organization nor does it relate to the functions of the said organization. He has placed reliance upon a Division Bench judgment of this Court in **First Appellate Authority-cum-Additional Director General of Police and another vs. Chief Information Commissioner, Haryana and another**, 2011 AIR (Punjab) 168 and a judgment of the Delhi High Court in W.P.(C) 5521 of 2016 & C.M. No. 23078 of 2016 (stay) titled as **CPIO, Intelligence Bureau vs. Sanjiv Chaturvedi**. He, therefore, contends that the denial of the information to

the petitioner vide the impugned order cannot sustain and deserves to be set aside and the information, as sought by the petitioner vide application dated 27.05.2016 (Annexure P-1), be directed to be supplied to him.

I have considered the submissions made by the learned counsel for the petitioner and have gone through the information, as has been sought by him vide application dated 27.05.2016 (Annexure P-1).

A perusal of the same, in the considered view of this Court, would show that it squarely falls within the provisions of Section 24 (1) of the Right to Information Act and, therefore, would be covered by the Second Schedule of the said Act and, therefore, the information has rightly been declined to the petitioner as the Special Protection Group and the recruitment thereto is directly relatable to the intelligence and security of the organization which cannot be disclosed.

As regards the judgments, which have been relied upon by the learned counsel for the petitioner in the cases of First Appellate Authority-cum-Additional Director General of Police and another (supra) and CPIO, Intelligence Bureau (supra), the information, as has been sought by the petitioner, relates to the corruption, which is clearly covered under the Proviso and, therefore, the provisions of Section 24 (1) of the Right to Information Act were accordingly held to be not applicable and the information, as sought, was directed to be provided to the petitioner.

The present writ petition, therefore, being devoid of any merits stands dismissed.

**July 27, 2018**  
*pj*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**Whether speaking/reasoned: Yes/No**

**Whether Reportable: Yes/No**