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

+ W.P.(C) 513/2018 & CM Nos.2210-2211/2018

UNION OF INDIA

..... Petitioner

Through: Mr Sanjeev Narula, CGSC.

versus

HEMANTA PANDA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.02.2018

1. The petitioner (Ministry of Home Affairs, Government of India – hereafter ‘the MHA’) has filed the present petition impugning an order dated 16.02.2017 passed by the Central Information Commission (hereafter ‘the CIC’), whereby the respondent authority (National Archives of India) was directed to transfer the respondent’s application under the Right to Information Act, 2005 (hereafter ‘the Act’) to various other authorities for collecting the necessary information including the MHA.

2. Mr Narula, the learned counsel appearing for the petitioner states that the information – which pertains to the original records of the investigation of Mahatma Gandhi’s Murder Trial such as investigation reports, case diaries or any other communication or correspondence with regard to final charge sheet or any record showing efforts to arrest the accused therein – is not in possession of the MHA and the concerned Police Authorities have been requested to provide the same. The Commissioner of Police, Delhi, has

been called upon to collect and collate original records and submit the same to the MHA for being forwarded to the National Archives of India for preserving those documents.

3. In view of the above, it is clear that the petitioner has taken steps to implement the order passed by the CIC. It is expected that the Commissioner of Police, Delhi shall take necessary efforts to ensure that the records are retrieved and forwarded for preservation as noted above.

4. Since the records in question are not in the possession and control of the MHA, apart from taking the necessary steps to collect the records in question – which, as noticed above, are being taken by the MHA – there is little else that the MHA can do. Needless to state that the MHA shall pursue with it efforts to ensure that the records in question are collected and sent to the National Archives for preservation.

5. The petition and the applications are disposed of with the above observations.

VIBHU BAKHRU, J

FEBRUARY 12, 2018
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