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

+ **W.P.(C) 7383/2018 & CM 18218/2018**

CENTRAL PUBLIC INFORMATION OFFICER Petitioner

Through Mr Rajesh Gogna, CGSC with Ms Liu
Gangmei, Advocates.

versus

M DINESH

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.07.2018

CM 28219/2018, 28220/2018

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.

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3. The petitioner has filed the present petition impugning an order dated 07.05.2018 (hereafter 'the impugned order') passed by the Central Information Commission (CIC), whereby the petitioner has been called upon to provide the information as sought for by the respondent.
4. The petitioner contends that the Bureau of Immigration/Intelligence Bureau is an organization which is excluded from the Right to Information Act, 2005 (hereafter 'RTI Act') by virtue of Section 24 of the said Act. He further contends that the information as sought for by the respondent does

not pertain to either corruption or human rights violation and, therefore, the exception carved out under Section 24(2) of the Act is not applicable.

5. Before proceeding to address any of the issues raised in the petition, it is necessary to refer to the information sought for by the respondent and his reasons for doing so. The respondent claims that he is an IT employee working in a private company in Chennai and had been deployed in Abu Dhabi and Dubai during the period 20.12.2013 to 28.03.2015. He claims that a complaint was filed by one Mr Selvam, alleging that he had been physically threatened by the respondent at Chennai and an FIR in this regard was also filed. The respondent claims that he was not in India and the complaint filed by Mr Selvam is a palpably false one.

6. According to the respondent, endorsements on his passport would conclusively establish that he was not in India during the period in question and the FIR filed against him is false. The respondent is constrained to establish this, as the endorsements put by the Immigration Bureau on his passport are not clear. It is in this context that the respondent has requested for the information with regard to his travel overseas. Before the CIC, the petitioner contended that the said information pertained to human rights violation since the respondent was kept in judicial custody for a period of 15 days on the basis of the FIR lodged against him.

7. Mr Rajesh Gogna, the learned counsel appearing for the petitioner contends that the expression 'human rights' as used in Section 24 (2) of the RTI Act would not take within its scope information relating to the respondent's travel overseas.

8. This Court is not inclined to examine this controversy in this petition principally for the reason that the endorsements put by the officers of the

Immigration Bureau are not clear and if the said stamps were clear, there would be no occasion for the respondent to seek the information as sought by him. Further, there is also no dispute that providing such information would be an assistance in the case that would assist the relevant authorities in deciding the allegations against the respondent.

9. In the aforesaid view, the petitioner is directed to provide the information as sought for by the respondent and the present petition is dismissed. However, the question whether such information falls within the exception of Section 24(2) of the RTI Act, is kept open to be considered in an appropriate case. The pending application is also disposed of.

VIBHU BAKHRU, J

JULY 24, 2018

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