

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

205

Civil Writ Petition No.6874 of 2018

Date of Decision: May 22<sup>nd</sup>, 2019

Ashish

...Petitioner

Versus

The State Information Commissioner, Haryana-cum-Second Appellate  
Authority and others

...Respondents

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

Present: Mr. Lalit Rishi, Advocate  
for the petitioner.

Ms. Geeta Sharma, Advocate  
for respondents No.2 and 3.

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

Petitioner had approached respondents 2 and 3 for supplying information under the Right to Information Act, 2005, by filing an application dated 26.12.2015 (Annexure A-5). Reply to the same was received by him, which was communicated on 29.01.2016 (Annexure A-6). The plea of the petitioner primarily at this stage is limited to the extent of supplying CCTV footage/recordings concerning all the CCTV cameras installed in Sessions Court, Faridabad, on 20.11.2015, point No.1. The said information was denied taking the plea that the requisite information is exempted from disclosure under Section 8 (1) (g) of the Right to Information Act, 2005. First appeal as well as the second appeal of the petitioner have been dismissed, leading to the petitioner approaching this Court by filing the present writ petition.

2. I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records of the case.

3. The stand which has been taken by respondents 2 and 3 for denying the information as sought by the petitioner on point No.1 on the grounds of exemption under Section 8 (1) (g) of the Right to Information Act is without any justification or basis as the said Section would not even be applicable to the information which is being sought by the petitioner. In the reply, which has been filed to the writ petition, nothing has been mentioned in this regard as to how the said information would fall within the protection of Section 8 (1) (g) of the Right to Information Act. Section 8 (1) (g) of the Right to Information Act reads as follows:-

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

From the perusal of the above provision, it is not clear as to how the said disclosure could endanger the life or physical safety of any person and identify the source of information and assistance given in confidence for law enforcement or security purposes is affected. What has been stated is that the said CCTV footage has been obtained by the investigating agency. That itself would not be enough to make the provisions of Section 8 (1) (g) applicable unless it is further elaborated and pointed out as to whether it is part of some criminal investigation and that too in a FIR which has been registered. Nothing has been forthcoming in this regard.

4. In view of the above, the present writ petition is allowed.

5. Direction is issued to respondents 2 and 3 to supply the information as sought by the petitioner on point No.1 in his application

dated 26.12.2015 (Annexure A-5) within a period of 30 days from the date of receipt of certified copy of the order.

May 22<sup>nd</sup>, 2019  
*Puneet*

(AUGUSTINE GEORGE MASIH)  
JUDGE

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether Reportable:        | No  |