IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.4.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.880 of 2022

Gulab Singh Rana ... Appellant

vs

1.The Central Public Information Officer, Indian Overseas Bank, Central Office, No.763, Anna Salai, Chennai-2.

2.The First Appellate Authority cum General Manager, Law Department (RTI Cell), Indian Overseas Bank, No.763, Anna Salai, Chennai-2.

3.The Central Bureau of Investigation, rep.by the Head of the Branch, Bank Securities and Fraud Cell, 5th Floor, CBI Head Quarters, 5-B, CGO Complex, Lodhi Road, New Delhi-3.

4.The Central Information Commission rep. by its Registrar, Room No.306, III Floor, B Wing, August Kranti Bhavan, Bhikaji Cama Place, Old JNU Campus, New Delhi-66. .. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 08.12.2021 passed in W.P.No.37231 of 2016.

Prayer IN W.P.NO.37231 OF 2016: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in Second Appeal No. SA/ UG/ 15/ f9219ydtm in File No.CIC/SH/A/2015/001081 dated, 21.7.2016 and to quash the same consequently, direct the 1st and 3rd respondents to provide the point-wise information sought for by the petitioner vide, RTI Application dated, 30.9.2014.

For Appellant : Mr.Sathiaseelan

JUDGMENT

(Judgment was delivered by
the Hon'ble Chief Justice)

We have heard the learned counsel appearing for the appellant.

2. The writ appeal has been filed challenging the order dated 08.12.2021 in W.P.No.37231 of 2016 passed by the learned Single Judge dismissing the writ petition preferred by the appellant.

3. The writ petition was filed challenging the order dated 21.7.2016 passed by the fourth respondent in the second appeal preferred by the appellant under the Right to Information Act, 2005 (for short, the Act of 2005).

4. The facts of the case show that the appellant made an application on 30.9.2014 to the first respondent seeking information by invoking the provisions of the Act of 2005. The information sought by the appellant are quoted as hereunder :

> "1. Copy of request letter received from CBI for seeking sanction for any prosecution.
>
> 2. Copy of internal office memorandum containing the opinion/views of my Disciplinary Authority for giving sanction for my prosecution based upon my reply date 01.12.2012 to the first explanation letter dated 18.10.2012 issued to me.
>
> 3. Copy of first advice given by CVC,

New Delhi. 4. The outcome of the reconciliatory meeting between my Disciplinary Authority and CBI called by Central Vigilance Commissioner at the office of CVC, New Delhi.

5. The copy of any further clarification sought by CVC after the reconciliatory meeting and if so, copy of Bank's reply thereto.

6. The copy of internal office memorandum containing the opinion/views of my Disciplinary Authority of giving sanction for my prosecution based upon my reply dated 03.07.2014 to the second explanation letter dated 20.06.2014 issued to me.

7. The copy of latest correspondence from CVC requesting/advising the bank again for sanction of my prosecution.

8. The copy of internal office memorandum containing the opinion/views of my present Disciplinary Authority based upon which the permission is given by the Bank to CBI for my prosecution.

9. Copy of Draft sanction supplied by CBI."

5. The application submitted by the appellant was rejected by the Central Public Information Officer, vide order dated 13.10.2014 with reference to Section 8(1)(d), (g) and (h) of the Act of 2005. As against the same, the appellant preferred an appeal before the First Appellate Authority under Section 19(1) of the Act of 2005 and it was dismissed by order dated 16.12.2014 confirming the order passed by the Central Public Information Officer. Aggrieved by that, the appellant preferred a second appeal under Section 19(3) of the Act of 2005. The second appeal was also decided by order dated 30.3.2015 by the Central Information Commission, New Delhi and a majority order was passed on 21.7.2016. The majority order was challenged by the appellant before the learned Single Judge mainly with reference to Section 8(1)(h) and Section 24 of the Act of 2005. The learned Single Judge, after detailed discussion of the issues, dismissed the writ petition by the impugned order finding no error in the majority order.

6. The order passed by the learned Single Judge has been assailed by the appellant mainly with reference to Section 24 of the Act of 2005. It is also on the ground that for invoking

Section 8(1)(h) of the Act of 2005, reasons are required to be given. The application could not be rejected as governed by Section 8(1)(h) of the Act of 2005 on the ground that the information would impede the process of investigation or apprehension or prosecution of offenders without giving reasons. The rejection of the application preferred by the appellant was only referring to Section 8(1)(h) of the Act of 2005 without showing as to how the information sought for by him would impede the process of investigation and therefore, rejection of the application was without disclosure of reasons and the learned Single Judge could have caused interference.

7. The other argument raised by the learned counsel for the appellant is with reference to Section 24 of the Act of 2005. It is stated that certain organizations referred to in the Second Schedule have been exempted from the Act of 2005, but, First Proviso to Section 24(1) of the Act of 2005 excludes any information pertaining to the allegation of corruption or human rights violation. The case of the appellant falls under the Proviso to Section 24(1) of the Act. But, it has been ignored by the learned Single Judge.

8. The learned counsel appearing for the appellant further submits that the information sought by the appellant was pertaining to a case registered against him under the Prevention of Corruption Act, 1988 (for brevity, the POCA). The allegation of corruption was made against the appellant and thus, any information pertaining to it was not saved by Section 24(1) of the Act of 2005. But, ignoring the nature of information sought for by the appellant, Section 24(1) of the Act of 2005 was applied and the learned Single Judge dismissed the writ petition.

9. The case of the appellant was to seek information about the sanction order for prosecution from the Central Bureau of Investigation (CBI) and other related information with reference to the first information report registered against the appellant for the alleged offences under the POCA. Since all the information sought for by the appellant were pertaining to the first information report having the allegation of corruption, Section 24(1) of the Act of 2005 could not have been applied in view of the Proviso thereunder. But, ignoring the aforesaid, the writ petition preferred by the appellant was dismissed.

10. The learned counsel appearing for the appellant has referred to the following judgments :

"i. Bhagat Singh Vs. Chief Information

Commissioner [2007 SCC Online Del 1607];
ii. Director of Income Tax Vs. Bhagat Singh [LPA.No.1337 of 2007 dated 17.12.2007];
iii. Secretary to Government Vs. S.Suresh Babu [2010 (3) CTC 742];
iv. Deputy Commissioner of Police Vs. D.K.Sharma [2010 SCC Online Del 4454];
v. B.S.Mathur Vs. Public Information Officer [2011 SCC Online Del 2592];
vi. Sudhir Ranjan Senapathi Vs. Union of India [W.P.(C) No.7048 of 2011 dated 05.3.2013];
vii. Adesh Kumar Vs. Union of India [2014 SCC Online Del 7203];
viii. Madhukar K.Farde Vs. Employees Provident Fund Corporation [decision of the CIC dated 20.8.2013];
ix. Union of India Vs. Col.V.K.Shad [2012 SCC Online Del 5710];
x. State (NCT of Delhi) Vs. Sanjay [2014 (9) SCC 773];
xi. Kerala Public Service Commission Vs. State Information Commission [2011 SCC Online Ker. 3927];
xii. Superintendent of Police Vs. R.Karthikeyan [2011 (3) CTC 241];
xiii. S.Vijayalakshmi Vs. Union of India [2011 (5) CTC 376];
xiv. V.Vidya Vs. State Information Commission [2017 SCC Online Mad. 22613];
xv. Superintendent of Police Vs. M.Kannappan [2012 SCC Online Mad. 4747];
xvi. First Appellate Authority-cum-Additional Director General of Police Vs. Chief Information Commissioner [2011 SCC Online P&H 17663];
xvii. Md. Abid Hussain Vs. State of Manipur [2015 SCC Online Mani 129];
xviii. Phairembam Sudesh Singh Vs. State of Manipur [2016 SCC Online Mani 13]; and
xix. CPIO, CBI Vs. C.J.Karira [2017 SCC Online Del 10475]."

11. A specific reference was made to paragraph 8 of the judgment of the Delhi High Court in the case of Director of Income Tax Vs. Bhagat Singh (cited supra) to show that rejection of application with reference to Section 8(1)(h) of the Act of

2005 cannot be accepted, unless reasons are disclosed evidencing that the supply of information would impede investigation and therefore, the provisions of Section 8(1)(h) of the Act of 2005 would not apply. Thus, rejection of the application was not proper. A prayer is accordingly made to set aside the impugned order passed by the learned Single Judge and also the orders passed by the Authorities under the Act of 2005 with a direction to the concerned respondent to supply all the information sought for by the appellant in his application dated 30.9.2014.

12. We have carefully considered the submissions made by the learned counsel for the appellant and perused the records.

13. The appellant made an application to the first respondent on 30.9.2014 seeking certain information, which have been quoted in the earlier paragraph. The First Information sought for by the appellant was with reference to the letter received from the CBI seeking sanction for prosecution and other documents with reference to the CBI matter, for which, even the internal advice of CVC was sought for. The Authorities below and the learned Single Judge found it to be a case where the appellant sought for information pertaining to the investigation of the case by the CBI.

14. The question that would arise for consideration is as to whether it would fall under Section 8(1)(h) and Section 24(1) of the Act of 2005 so as to deny information.

15. Before we deal with the issue with reference to Section 8(1)(h) of the Act of 2005, it would be proper to deal with the issue with reference to Section 24(1) of the Act, because if this Court comes to the conclusion that the Intelligence and Security Organizations specified in the Second Schedule are exempted, then the Act of 2005 itself would not be applicable to this case.

16. For ready reference, Section 24 of the Act of 2005 is quoted as hereunder :

> "24. Act not to apply in certain organisations.— (1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

(4) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(5) Every notification issued under sub-section (4) shall be laid before the State Legislature."

17. Since a reference to the Second Schedule has been given in Section 24(1) of the Act of 2005, it would be appropriate to quote the Second Schedule, which reads as hereunder :

"INTELLIGENCE AND SECURITY ORGANISATION ESTABLISHED BY THE CENTRAL GOVERNMENT
1. Intelligence Bureau.
2. Research and Analysis Wing including its technical wing namely, the Aviation Research Centre of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation and Research Centre of the Cabinet Secretariat
8. Special Frontier Force of the Cabinet Secretariat.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
15. Sashtra Seema Bal
16. Directorate General of Income-tax (Investigation).
17. National Technical Research Organisation.
18. Financial Intelligence Unit, India.
19. Special Protection Group.
20. Defence Research and Development Organisation. 21. Border Road Development Board.
22. National Security Council Secretariat.
23. Central Bureau of Investigation.
24. National Investigation Agency.
25. National Intelligence Grid.
26. Strategic Forces Command."

18. The Second Schedule excludes item No.23 namely the CBI.

19. A plain reading of Section 24(1) of the Act of 2005 read with the Second Schedule would show exemption of the CBI from the Act of 2005. The question would, however, remain as to whether the Proviso to Sub-Section (1) of Section 24 of the Act of 2005 would preclude the appellant from getting information pertaining to allegation of corruption or violation of human rights and therefore, the appellant was having a right to get information pertaining to it.

20. The learned counsel for the appellant submits that all the information sought for by the appellant, were pertaining to the allegation of corruption, because, sanction for prosecution under Section 19 of the POCA is required only when there are allegations of corruption and therefore, by virtue of the Proviso appended to Section 24(1) of the Act of 2005, the information sought for by the appellant was not exempted from the purview of the Act of 2005.

21. To analyze this issue, we need to look into the application submitted by the appellant to find out as to whether any of the information sought for by the appellant was pertaining to allegation of corruption, because this Court cannot infer the information, unless specifically sought for the allegation of corruption.

22. A perusal of the application of the appellant does not show a request for information pertaining to the allegation of corruption.

23. The learned counsel for the appellant has prayed for drawing an inference, because the CBI was investigating the case against the appellant with regard to the allegation of corruption.

24. The inference by this Court is not permissible, because if the application is not specific so as to be governed by the Proviso appended to Section 24(1) of the Act of 2005, the exemption will remain with regard to any information of the CBI. The information sought for by the appellant was nothing but documents or information with reference to the CBI. CBI is exempted from the Act of 2005 by virtue of Section 24(1) of the Act of 2005 read with the Second Schedule and it is even for the information furnished by it to the Government.

25. At this stage, we are further required to look into Section 24 of the Act of 2005 and more specifically the Proviso appended to Section 24(1) of the Act of 2005. The Proviso allows furnishing of information pertaining to allegation of corruption or violation of human rights, if it pertains to Intelligence and Security Organizations specified under the Second Schedule of Section 24(1) of the Act of 2005. The purpose of the Proviso is not to exclude organizations involved in Intelligence and Security if there exists an allegation of corruption or violation of human rights against them. In other words, information that is otherwise excluded from disclosure by virtue of Section 24(1) of the Act of 2005 can be furnished, if the information sought for pertains to allegations of corruption or violation of human rights against these exempted intelligence and security organisations.

26. At times, it happens that while taking action, the allegations of corruption or violation of human rights are made against the officers of these organizations. Thus, if any such information is sought from those organizations or with reference to those organizations, the exclusion or exemption of the Act of 2005 has not been given. The reason is quite obvious in recording the aforesaid finding. If the allegation of human rights violation is made, it can be against the officer of the Intelligence or Security Organizations specified in the Second Schedule. In view of the above, exclusion of Intelligence and Security Organizations, as referred to in the Second Schedule from furnishing the information, would not apply to the information pertaining to allegation of corruption or violation of human rights by those organisations.

27. In this regard, we may refer to the judgments cited by learned counsel appearing for the appellant. Paragraph 17 of the judgment of the Division Bench of this Court in the case of Superintendent of Police Vs. R.Karthikeyan and Others (cited supra), reads as follows :

> "17. In terms of Section 24(4), the State Government is empowered to notify in the Official Gazette that nothing contained in the Right to Information Act shall apply to such intelligence and security organization being organizations established by the State Government. Nevertheless, in the light of the first proviso, such power being conferred on the State Government to notify exempting such intelligence and security organizations, it

cannot notify in respect of the information pertaining to the allegations of corruption and human rights violations. As a necessary corollary, the power to exempt from the provisions of the Act is not available to the State Government even in case of intelligence and security organizations in respect of the information pertaining to the allegations of corruption and human rights violations. The application of the notification depends upon the nature of information required. In this context, we may refer that the first respondent in W.A.No.321 of 2010 has sought for the particulars relating to the number of investigations completed and the number of persons convicted for the years from 2003-2004 to 2007-2008 with the details as to the names of such convicted persons, the post held by them when the act of corruption was done, the charges framed and the recommendations given to the Vigilance Commissioner after investigation. Likewise the first respondent in W.A.No.320 of 2010 has sought for the particulars relating to the number of police stations/wings/branches within the Chennai city were raided by the DVAC officials during the last five years i.e., from January, 2003, how many police officials were caught during the raids, the list of names, the designation and the address of such officials who were caught and the amount recovered from each official, details of departmental actions taken against such official including the copy of enquiry report, the details of prosecution launched against such officials, the status of prosecution against each official, how many have been re-inducted into active service including the date of rejoining the service and their present place/station of service, the details of action taken by the Department to prevent corruption at police stations/branches/wings especially in Chennai city and the grievance redressal machinery for the public to make a complaint against such corrupt official demanding bribe/favour to do the duty. As all these particulars

> would certainly relate to corruption, the Government Order has no application to the facts of this case."

28. The above judgment does not render any assistance to the appellant for the reason that exemption to any Intelligence and Security Organizations has not been allowed with regard to information of allegation of corruption or human rights violation against them. In paragraph 17 quoted above, the allegation therein was against the Intelligence and Security Organizations themselves and the information was sought with reference to it, which, according to us, is permissible under the Proviso to Section 24(1) of the Act of 2005. Therefore, the judgment supra supports the findings of this Court with reference to the application of the Proviso appended to Sections 24(1) and 24(4) of the Act of 2005. We have recorded our finding that the Proviso to furnish any information regarding the allegation of corruption or violation of human rights against the Intelligence and Security Organization is not exempted from the Act of 2005.

29. The next judgment referred to by the learned counsel for the appellant is in the case of S.Vijayalakshmi Vs. Union of India & Others (cited supra) wherein a reference has been made to paragraph 37, which is quoted hereunder :

> "The apprehension that the CBI by virtue of its inclusion in the Second Schedule has got a blanket exemption, cannot be countenanced for the simple reason that what has been contemplated under section 24 is no such blanket exemption. The Act was intended among other things to contain corruption and to hold Governments and their Instrumentalities accountable to the Government. This purpose and intent of the Act is sufficiently provided for in the two provisos to section 24(1) of the Act. The information pertaining to allegation of corruption and human rights violation are not excluded under sub-section (1) of section 24. Therefore, the exemption by virtue of inclusion of CBI in the Second Schedule to a RTI Act is not a wholesale or a blanket exemption as contended by the petitioner. After taking note of the facts placed before this Court and the law discussed above, it cannot be stated that

every Police Thana is an intelligence Agency and should be treated on par with the CBI for the benefit of the exemption under section 24 of the Act."

30. Again, the above extracted paragraph reiterates the same ratio as propounded by the Division Bench of this Court in the case of Superintendent of Police Vs. R.Karthikeyan and Others (cited supra).

31. The other judgment referred to by the learned counsel for the appellant is in the case of V.Vidya Vs. State Information Commissioner (cited supra), wherein the relevant portions read as hereunder :

"7. Both, the first respondent and the learned Single Judge have declined the appellant's request to furnish the copies of the report dated 08.07.2015 and 17.08.2015, on the ground that CBCID was an authority which came within the ambit of sub-section (4) of section 24 of the RTI Act and hence, the provisions of the said Act were not applicable to it. In this behalf, reference was made to the G.O.Ms.No.1043, dated 14.10.2015, issued by the Government of Tamil Nadu.

8. In effect, it was contended that the CBCID was one amongst those establishments, to which the RTI Act would not apply. The said G.O. was issued by the State Government, admittedly, in exercise of powers vested upon it under Section 24(4) of the RTI Act.

......

13. The main plank of the submission of the counsels appearing for the respondents, was that, the RTI Act was not applicable to CBCID, in view of the provisions of Sub-section (4) of Section 24 of the RTI Act. The fact that CBCID had been notified as an organization, which was exempt from the provisions of the RTI Act, was sought to be demonstrated by relying upon G.O.Ms.No.1043, dated 14.10.2015.

14. We have heard the learned counsel for the parties and perused the record.

15. Shorn of unnecessary details and

verbiage, the only issue which arises for our consideration is, as to whether the first proviso to Sub-section (4) of Section 24 of the RTI Act is applicable to the facts obtaining in the instant case.

16. For the sake of convenience, the relevant part of the aforesaid Section is extracted hereafter :

'24. (1) xxxx (2) xxxx (3) xxxx (4) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request. (emphasis is ours)'

17. It is not in dispute that by virtue of G.O.Ms.No.1043, dated 14.10.2005, CBCID has been notified as an agency by the Government of Tamil Nadu, to which the provisions of RTI Act would not apply. The issue, which arises for consideration is as to whether the instant case falls within exception carved out to in the first proviso to Sub-section (4) of Section 24 of the RTI Act.

18. The first proviso of Sub-section (4) of Section 24 of the RTI Act, stipulates that information pertaining to allegations of corruption and human rights violation, shall not stand included in the Sub-section, i.e., Sub-section (4) of Section 24 of the RTI Act.

19. The facts narrated above would show that the appellant alleges that because of the association of Mr.S.R.Jangid (the then Suburban Commissioner) with Mr.K.C.Bose, her complaint against the latter was not taken forward, and instead six (6) false cases were foisted upon her. The fact that out of the six (6) false cases, four (4) cases were closed, has not been disputed by the counsel for the respondents. As a matter of fact, the record also shows that the appellant had filed a writ petition against Mr.S.R.Jangid for initiating departmental action against him. The said writ petition, we are informed, is pending adjudication in this Court.

20. Furthermore, as indicated above, the appellant has also filed a civil suit for damages on the alleged ground of malicious prosecution and defamation. As noticed above, vide order dated 24.02.2014, two (2) criminal complaints of cheating being C.C.No.101 of 2010 and 426 of 2010, were quashed by this Court on the ground that both cases had falsehood and mala fides as its edifice. The observations made by a learned Single Judge of this Court, tend to indicate that the then Suburban Commissioner may have had something to do in the lodgement of the complaints. This order of the learned Single Judge, despite a SLP having been filed by the complainant in those cases, was not interfered by the Supreme Court. As a matter of fact, the complainant made himself scarce as he was not available at the given address. The police, in fact, were unable to effect service in the Crl.O.P. filed by the appellant, to quash the said criminal complaints.

21. The matter thus boils down to one aspect, which is, do these broad assertions bring the case within the purview of the first proviso to Section 24(4) of the RTI Act.

21.1. The term human rights has not been defined in the RTI Act. However, the expression human rights has been defined in the Protection of Human Right Act, 1993 (in short 1993 Act). Section 2(1)(d) of the 1993 Act, which provides a definition of human rights reads as follows:

2. Definitions - (1) In this Act, unless the context otherwise requires-

XXXXX

(d) human rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. XXXX

21.2. Human rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in International Covenants and enforceable by a Court in India. Therefore, quite clearly, a citizen of this country is entitled to live his life with dignity. Deprivation of dignity would, to our minds, involve violation of human rights.

21.3. The appellant contends that six (6) false criminal cases were lodged against her, out of which four (4) were closed. These being : Crime Nos.1225/2009, 1247/2009, 960/2009 and 804/2009. Besides these four (4) cases, the appellant has referred to, two other cases i.e., C.C.No.101 of 2010, pending before the Judicial Magistrate, Ambattur, and C.C.No.No.426 of 2010, pending on the file of the Judicial Magistrate, Alandur. These cases as noted herein above were quashed by the learned Single Judge of this Court vide judgement dated 24.02.2014, on the ground that they were predicated on falsehood and mala fides.

21.4. Having regard to these facts and circumstances, to our minds, it was incumbent upon the first respondent to make further inquiries in the matter.

21.5. The first respondent, on the other hand, rejected the appellant's plea on the short ground that it was for her to establish that her complaints related to corruption and violation of human rights. Furthermore, the first respondent went on to observe that in the complaints lodged against her, by Mr.K.C.Bose, investigation was carried out and she was placed in judicial custody. According to the first respondent, since, the police officer acted in accordance with law, it could not be said that their action violated human rights or they had indulged in corrupt activities.

21.6. The learned Single Judge, more or less, adopted the same reasoning. In our view, the reasoning is flawed. The reason for the same is this: While, the police officers in lodging cases against the appellant, based on the complaints made against her, and in having her prosecuted thereafter may have acted under the authority of law - the fact that four (4) out of the six (6) cases fell by the wayside did denude the appellant of her dignity, while she was being prosecuted. The reasoning given by the first respondent that the police officer acted under the authority of law, may be a valid defence in an action for malicious prosecution, provided they are able to show good faith that, however, by itself would not prevent the appellant from contending that her dignity was impaired and hence, violated her human rights. If, that be the position, surely, information with regard to the result of the enquiries carried out, based on her complaints ought to be furnished to the appellant for whatever they are worth.

22. In view of the foregoing discussion, we are inclined to allow the writ appeal. Consequently, the order of the learned Single Judge is set aside. This would result in the order of the first respondent dated 19.08.2016 also being set aside. Consequently, the second respondent will furnish the information sought by the appellant in her applications dated 18.12.2014 and 24.08.2015."

32. Paragraph 19 of the judgment quoted above again makes a reference of the information sought therein. The allegation therein was with regard to registration of the false cases and violation of human rights by the agency concerned, thus was not exempted from the Act of 2005. The judgment aforesaid again supports the view taken by the Court regarding application of the Proviso to Sections 24(1) and 24(4) of the Act of 2005.

33. In all the judgments referred by the appellant, the information sought was in regard to the allegation of corruption or violation of human rights against the agencies or their officials and therefore, was not found to be exempted. In our opinion, the Proviso allows the information regarding allegation of corruption or violation of human rights against the organizations referred in the Second Schedule. The case on hand is not of that nature. Rather, the information does not pertain to any of the allegations of corruption or violation of human rights by any of the agencies or their officials. Apart from that, it does not make any reference to the allegation of corruption. For all the reasons given above, the judgments referred to by the learned counsel for the appellant do not cover the issue.

34. Therefore, even if it is assumed that a case is falling for the offences under the POCA against the appellant and he was seeking information with regard to the allegation of corruption, we do not find that it is governed by the Proviso to Section 24(1) of the Act of 2005 and further we have recorded our finding that if the application does not specifically refer to any information regarding allegation of corruption or violation of human rights against the exempted organisations, no inference can be drawn by this Court about those information.

35. We are not going into the issue that during the pendency of the writ petition or after the registration of the First Information Report, the appellant has been discharged by the competent Court from the allegation of commission of offence under the POCA, as stated by the learned counsel for the appellant. It is, however, submitted that the order of discharge has been challenged and is pending at present.

36. The facts aforesaid have been recorded for the reason that the order of discharge has been passed finding sanction for prosecution to be illegal. It is for the reason that the Competent Authority initially denied sanction for prosecution as stated by the learned counsel for the appellant. Even on the second occasion, sanction for prosecution was not given, but

with the change of officer. Sanction for prosecution was given without any new material or reason. The Trial Court had looked into the order for grant of sanction for prosecution and earlier order and recorded its finding also. These facts are relevant for the reason that all the information sought for by the appellant would now be insignificant in the given facts in view of the developments that took place during the intervening period.

37. In any case, we have decided the legal issue with reference to Section 24(1) of the Act of 2005 and the Proviso thereunder, and a finding has been recorded against the appellant. We do not find any reason to further examine the matter with reference to Section 8(1)(h) of the Act of 2005, because once we have recorded our opinion that the information pertaining to CBI was exempted under Section 24(1) of the Act of 2005, the other issues remain insignificant.

38. Accordingly, finding no error in the detailed order passed by the learned Single Judge and no reasons to cause interference with the order, the writ appeal is dismissed. No costs.

SD/-
DEPUTY REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

RS
To:

1.The Central Public Information Officer,
Indian Overseas Bank,
Central Office, No.763,
Anna Salai, Chennai-2.

2.The First Appellate Authority cum
General Manager, Law Department
(RTI Cell), Indian Overseas Bank,
No.763, Anna Salai, Chennai-2.

3.The Head of the Branch,
Central Bureau of Investigation,
Bank Securities and Fraud Cell,
5th Floor, CBI Head Quarters,
5-B, CGO Complex, Lodhi Road,
New Delhi-3.

4.The Registrar,
Central Information Commission
Room No.306, III Floor, B Wing, August Kranti
Bhavan, Bhikaji Cama Place,
Old JNU Campus, New Delhi-66.

+1cc to Mr.S.Sathiaseelan, Advocate Sr.27485

W.A.No.880 of 2022

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srg 02/05/2022