

**OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISON HEADQUARTERS: GOVT. OF NCT OF DELHI
NEAR LAJWANTI GARDEN CHOWK: NEW DELHI-110064**
(PH No- 28520398 (o), 28520989 (Fax), Email: dig-tihar@nic.in)

Name of applicant	Date of applications	Reply given by PIOs	Date of filing of Appeal	Date of Hearing of Appeal	Appeal No.	ID No:
Sh. Subhash Batra	10/02/2022	PIO-CJ-10 27/02/2022	21/03/2022	07/04/2022	29/2022	Appeal General

Appellant Sh. Subhash Batra is not present for hearing being jail inmate. Sh. Jitender Patel, AS(RTI) is present for hearing on behalf of PIO CJ-10.

Case Heard. Through the appeal, the Appellant has stated that he has sought the copy of Register No-1 of UTP Sukesh and also sought the date of production warrant of UTP Sukesh in case RC No-01/A/2020 PS Hyderabad.

The SPIO CJ-10 vide his reply dated 27/02/2022 has denied to provide the requested information at Point No-1 seeking exemption from disclosure of the requested information under section 8 (1) (g), (h) and (j) of the RTI Act. For Point No-2, they stated that all the relevant record of the UTP "Sukesh Chandrashekhar S/o Sh. Vijaynan Chandrashekhar" has been transferred to Central Jail No-4, Tihar. Hence, the information sought is not available in this office.

The PIO CJ-10 (Rohini) has filed his rejoinder to Appeal petition vide his communication dated 02/04/2022.

I have gone through the record placed before me and find that with regard to the first information sought by the Appellant, the SPIO CJ-10 has correctly invoked the provision of section 8 (1)(g), 8 (1) (h) and 8 (1)(j) of the RTI Act 2005 in seeking exemption from disclosure of the information. Besides, it may not be out of place to observe here that the information which is sought is sensitive information and third party information and there is no larger public interest involved in disclosing the information.

Finally, it is submitted that under section 91 of the Code of Criminal Procedure, 1973, in respect of the Criminal Case pending, the Petitioner has remedies before the respective fora to seek summoning of the relevant records from the Investigation Agency and the RTI route is not the correct route which should be adopted by the Petitioner. Specific reliance is placed upon the judgement of the Supreme court of India in Registrar, Supreme Court v. R.S. Mishra [2017 SCC online Del 11811] where the Hon'ble Supreme Court has clearly observed that if the documents can be obtain in other proceedings, and the intention is not to achieve transparency, then the provision of the RTI Act cannot be invoked. The Supreme Court has further observed that the provision of RTI Act are for achieving transparency and not for making available information to be used in other proceedings, especially if there are other remedies available to the person who seek the information, under/another statute.

As regard second information sought by the petitioner is concerned, the PIO CJ-10 (Rohini) has replied vide his letter dated 27/02/2022, as follows:-

"All the relevant record of the UTP "Sukesh Chandrashekhar S/o Sh. Vijaynan Chandrashekhar" has been transferred to Central Jail No-4, Tihar. Hence, the information sought is not available in this office".

It is observed that this practice is contrary to the provision of the RTI Act, 2005. The SPIO should have transferred the part of the requested information to the concerned SPIO within the stipulated time period under section 6 (3) of the RTI Act 2005. Record on the file reveal that the SPIO- CJ-10 has transferred it very later vides his letter dated 28/03/2022 to the SPIO CJ-1 while the application is dated 10/02/2022.

As per record, the SPIO CJ-1 is yet to be provided the requested information. The SPIO CJ-1 is directed to provide the requested information as per the provisions of the RTI Act 2005, to the appellant within seven days of this order.

Case is accordingly disposed off. If applicant is not satisfied with this direction, he/she may file second appeal before the Hon'ble CIC, Baba Gang Nath Marg, Munirka, New Delhi-67.

(MUKESH PRASAD)
ADDL. INSPECTOR GENERAL OF PRISONS/
FIRST APPELLATE AUTHORITY

Sh. Subhash Batra s/o Sh. Bihari Lal
Presently lodged in Central Jail No-8/9
Tihar, New Delhi-110064.

F10(3476489)/ID-Appeal General/CJ/Legal/2022/1371-73 Dated: 07/4/2022.

Copy for necessary action/information:-

PIO CJ-1 & PIO CJ-10