

\$~14

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

+ W.P.(C) 391/2020

EHTESHAM QUTUBUDDIN SIDDIQUE Petitioner
Through: Mr. Arpit Bhargava, Adv.

versus

CPIO, MINISTRY OF HOME AFFAIRS Respondent
Through: None.

**CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA**

ORDER

08.09.2022

%

The instant writ petition has been preferred assailing an order of 13 June 2019 passed by the Central Information Commission [“CIC”] upholding the view taken by the respondents that disclosure of information would be exempt under Section 8(1)(a) of the Right to Information Act, 2005 [“RTI Act”]. It becomes pertinent to note that the petitioner had sought information by way of an application requiring the disclosure of the proposal and all documents in the Department’s file regarding issuance of the notification under Section 45(1) of the Unlawful Activity (Prevention) Act 1967 [“UAP Act”]. Dealing with the aforesaid issue, the CIC while upholding the view taken by the respondents has found that the disclosures would stand exempted under Section 8(1)(a) of the RTI Act.

Bearing in mind the provisions made in Section 45 of the UAP Act, the Court is of the firm opinion that the disclosures that were sought and in the broad terms as were prayed for in the application, the respondents rightly

invoked Section 8(1)(a) of the RTI Act.

The submission of learned counsel that the CIC was obliged to consider whether the provisions of Section 10 of the RTI Act would apply and that whether certain aspects of the information sought were “severable” and thus fall outside the scope of clause (a) of Section 8(1) of the RTI Act is liable to be rejected since the petitioner has even on a prima facie footing failed to establish what information that may ultimately lead to the issuance of the notification under Section 45 of the UAP Act would be severable.

The writ petition lacks merit and shall stand dismissed.

YASHWANT VARMA, J.

SEPTEMBER 8, 2022

SU