2024:DHC:8031

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

Date of Decision: 15th October, 2024.

\+ W.P.(C) 12213/2018

HARKISHANDAS NIJHAWAN .....Petitioner

Through: Petitioner in person.

versus

CPIO, SPECIAL BRANCH OF DELHI POLICE & ANR.

.....Respondents

Through: Ms. Hetu Arora Sethi, ASC for GNCTD with Mr. Siddharth Agarwal, Advocate
Insp. Ashok, ASI Arun Kumar Chauhan, ASI Ram Kumar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The present writ petition arises from the Petitioner's Right to Information[1] application dated 2nd February, 2016, in which the Petitioner sought information on six distinct queries. While Respondent No. 1, the Special Branch of the Delhi Police, has already provided responses to the Petitioner's inquiries concerning queries numbered 1, 2, 4, 5, and 6, the Petitioner now presses for the disclosure of information relating to query no. 3. This particular query seeks the following information:

> "*3. Provides us the certified copy of the Complete Special Branch Manual with all Annexures/Latest Rulings/Notifications on Passport*

[1] "RTI"

Verifications as on 03-02-2016."

2. It is noted that Respondent No. 1, in its reply dated 1st March 2016, denied the Petitioner's request for information concerning query no. 3, invoking the exemptions under Sections 8(1)(a) and 8(1)(d) of the Right to Information Act, 2005[2]. Aggrieved by this denial, the Petitioner exercised their statutory right and filed a first appeal under the RTI Act. This appeal was adjudicated by the Appellate Authority, which, through an order dated 4th October 2017, upheld the validity of the initial reply provided by Respondent No. 1, reiterating that the information sought was protected under the aforementioned exemptions. Undeterred, the Petitioner escalated the matter by filing a second appeal before Respondent No. 2 – the Central Information Commission[3].

3. The second appeal was heard and decided by the CIC through its order dated 23rd March 2018, wherein the Commission concurred with the findings of the previous authorities. The CIC held that the information sought under query no. 3 of the Petitioner's RTI application was indeed classified and exempt from disclosure under the provisions of the RTI Act.

4. Thus, having exhausted the appeal mechanisms under the RTI framework, the Petitioner has now approached this Court by filing the present writ petition under Article 226 of the Constitution, seeking a judicial review of the decisions rendered by the authorities below.

5. Mr. Harkishandas Nijhawan asserts that the information sought under query no. 3 is crucial for ensuring transparency in the procedures followed by the Special Branch regarding passport verifications. He contends that the

[2] "RTI Act"
[3] "CIC"

disclosure of the Special Branch Manual is in public interest as it pertains to the standardized procedures relating to passport verification. Furthermore, Mr. Nijhawan argues that the requested information falls within the scope of the RTI Act and should be made available, as it does not concern any confidential or sensitive matters.

6. The key issue before this Court is whether the disclosure of the Special Branch Manual, as requested by the Petitioner, would violate the exemptions provided under Section 8(1)(a) of the RTI Act, which pertains to information that could prejudice the sovereignty and integrity of India, the security of the State, or the strategic, scientific, or economic interests of the State. While the RTI Act is intended to promote transparency and accountability, the Court must be equally mindful of protecting sensitive information that could jeopardize national security. The Petitioner seeks a certified copy of the Special Branch Manual, which outlines procedural norms for passport verification. The Court is cognizant of the public interest in knowing the operational framework governing such verifications; however, it must be balanced with the State's interest in safeguarding security-related procedures. The information linked to national security, or which could potentially impede enforcement operations, cannot be disclosed under the RTI Act. The operational manuals detailing sensitive protocols fall within the realm of information that is inherently confidential. The information concerning law enforcement operations, especially those involving national security considerations, falls under the purview of Section 8(1)(a).

7. The Court has carefully perused the relevant sections of the Delhi Police, Special Branch Manual, which has been handed over across the

board by the counsel for the Respondents. It is noted that the manual in question outlines the procedure for conducting character and antecedent verification of passport applicants, a process which must be inherently kept confidential so as to ensure the integrity of law enforcement operations. This manual includes the specific steps and methods employed by the Special Branch to verify personal particulars and background information, all of which are classified and treated as confidential by the very nature of the work.

8. Thus, the manual sets forth the procedure by which verification reports are obtained from various confidential sources, and the disclosure of these internal processes would undermine the confidentiality essential to such operations. In this context, it becomes evident that the sensitive nature of the information — especially regarding sources and methods used in character verification — falls squarely within the exemptions provided under Section 8(1)(a).

9. In the opinion of the Court, the details contained in the Special Branch Manual, by virtue of their confidential nature, cannot be brought into the public domain. Such procedures, while operational in nature, may also reveal tactical insights into how law enforcement agencies function in sensitive areas, and their disclosure could compromise the integrity of such processes. Given the confidential nature of these procedures, the Court is of the view that Respondent No. 1's reliance on Section 8(1)(a) of the RTI Act is justified. Disclosing such information would not only compromise the functioning of the Special Branch but could also jeopardize ongoing and future investigations. Thus, the decision of the CIC to exempt the disclosure of this classified information under the RTI Act is well-founded and

justified.

10. While the Court acknowledges the Petitioner's interest in seeking transparency in government operations, we must also bear in mind the need to protect sensitive information that could compromise national security and law enforcement procedures.

11. In light of the above considerations, this Court is of the opinion that the information sought under query no. 3 of the Petitioner's RTI application falls within the scope of exempt information under Section 8(1)(a) of the RTI Act.

12. Accordingly, the writ petition is dismissed with no order as to costs.

SANJEEV NARULA, J

OCTOBER 15, 2024
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