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# Justification for Denial of Information is mandatory

CIC, denial, of, information,, decisions,

## Central Information Commission Decisions

1. Quoting provisions of Section 8 of the RTI Act ad libitum to deny the information requested for, by CPIOs/Appellate Authorities without giving any justification or grounds as to how these provisions are applicable is simply unacceptable and clearly amounts to malafide denial of legitimate information attracting penalties under section 20(1) of the Act.<sup>1)</sup>
2. The PIO has to give the reasons for rejection of the request for information as required under Section 7(8)(i). Merely quoting the bare clause of the Act does not imply that the reasons have been given. The PIO should have intimated as to how he had come to the conclusion that rule 8(1)(j) was applicable in this case.<sup>2)</sup>
3. Access to information, under Section 3 of the Act, is the rule and exemptions the exception. The information can be denied only if it is exempt as per the provisions of Section 8 or Section 9 of the RTI Act. Further, while denying information the authority withholding the information must show satisfactory reason and such reason should be germane and based on some material. Sans this consideration the information cannot be denied.....<sup>3)</sup>

## Court Decisions

1. "6. This Court is inclined to concur with the view expressed by the CIC that in W.P. (Civil) 12428/2009 order to deny the information under the RTI Act the authority concerned would have to show a justification with reference to one of the specific clauses under Section 8 (1) of the RTI Act. In the instant case ....."<sup>4)</sup>
2. "If no reasons are given in the appellate orders, then it is injustice to the natural justice because quasi judicial obligations are giving reasons for order, since justice is not expected to wear the inscrutable face of a sphinx"<sup>5)</sup>
3. "12.....As is reflected in its preambular paragraphs, the enactment seeks to promote transparency, arrest corruption and to hold the Government and its instrumentalities accountable to the governed. This spirit of the Act must be borne in mind while construing the provisions contained therein. 13. Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore is to be strictly construed. It should not be interpreted in manner as to shadow the very right itself. Under Section 8, exemption from releasing information is granted if it would impede the process of investigation or the prosecution of the offenders. It is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material. Sans this consideration, Section 8(1)(h) and other such provisions would become the haven for dodging demands for information"<sup>6)</sup>

This article is inspired from the original post made by J.P. Shah in the blog post [here!](#)

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## Authors

### Contributing authors:

- shrawan

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- 1) 

CIC/OK/A/2006/00163 dated 7 July, 2006
- 2) 

CIC/OK/C/2006/00010 dated 7 July, 2006.
- 3) 

CIC/BS/A/2013/000681/4968 dated 24-04- 2014
- 4) 

Hon'ble HIGH COURT OF DELHI in W. P. (C) 12428/2009 & CM APPL 12874/2009 DEPUTY COMMISSIONER OF POLICE versus D.K.SHARMA -Judgement dated 15-12-2010
- 5) 

Hon'ble High Court of Kerala in Ibrahim Kunju v. State of Kerala AIR 1970 Ker 65
- 6) 

HON'BLE HIGH COURT OF DELHI in WP(C) No. 3114/2007 decided on 03.12.2007

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