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WP No. 22237 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 22237 of 2024

And

WMP.No. 24215 of 2024

State Of Tamil Nadu
Rep. By The Public Information Officer,
Superintendent Of Police, Directorate Of Vigilance
And Anti Corruption, No.293, MKN Road, Alandur,
Chennai-600 016.

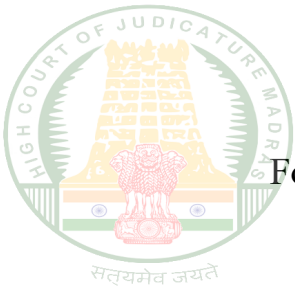
..Petitioner(s)

Vs

1. Tamil Nadu State Information Commission,
Block No.19, Government Farm Village, Pernpet,
Nandanam, Chennai-600 035.
2. S R Jangid, IPS
Retired DGP No. 2/626, Ganga Street,
4th Main Road, River View Enclave,
Chennai-600 125

..Respondent(s)

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of certiorari, calling for the records relating to the impugned order passed by the 1st respondent vide case No. SA 5332/SCIC/2021, dated 30.05.2024.



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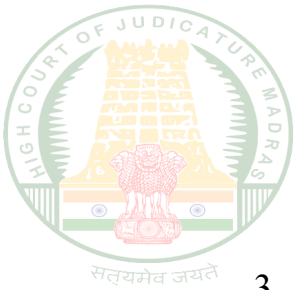
For Petitioner(s): Mr. R.Johnsathyan, State Public Prosecutor
Assisted by
Mr. N. Palanivel, GA (Crl.Side)

For Respondent(s): Mr.C. Vigneshwaran, Standing Counsel-R1
Mr.Nithyaesh Nataraj,
For Mr.Vaibhav R.Venkatesh – R2

ORDER

The petitioner, State of Tamil Nadu, has filed this writ petition challenging the order dated 30.05.2024 passed by the Tamil Nadu State Information Commission. By the said order, the Public Information Officer of the Directorate of Vigilance and Anti-Corruption (DVAC) was directed to furnish the information sought by the second respondent under the Right to Information Act, 2005 (hereinafter referred to as “the RTI Act”), after masking the names and other particulars of the other officers concerned.

2. The second respondent, S.R. Jangid, IPS, Retired DGP, submitted an application dated 21.01.2021 under Section 6(1) of the RTI Act seeking information relating to Detailed Enquiry No.48/2013/PUB/HQ conducted by the DVAC. He sought copies of the enquiry reports dated 30.12.2013 and 06.08.2015, the queries raised by the Government, the statements recorded by the Enquiry Officer and all documents collected during the enquiry.

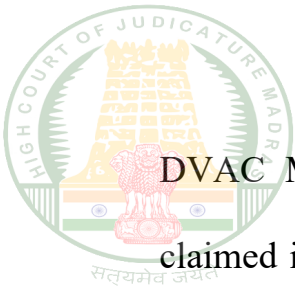


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3. The Public Information Officer rejected the request by order dated 18.02.2021, invoking Section 8(1)(g) of the RTI Act. The first appeal filed by the second respondent was also rejected. Thereafter, the second respondent filed a second appeal before the Tamil Nadu State Information Commission under Section 19(3) of the RTI Act.

4. During the proceedings before the Information Commission, the Public Information Officer furnished an item-wise reply. Thereafter, the Commission considered the matter and, by order dated 30.05.2024, directed the Public Information Officer to furnish the information and copies of the documents sought by the second respondent. It was also directed that the names and other particulars of the other two officers be masked. The information was directed to be furnished within 45 days.

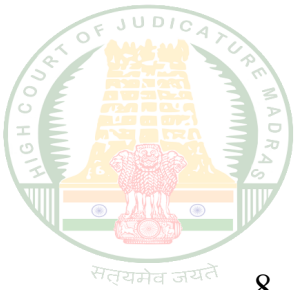
5. The learned Public Prosecutor appearing for the State has submitted that the State has challenged the said order mainly on the ground that disclosure of the enquiry report, statements of witnesses and connected documents would attract Section 8(1)(g) of the RTI Act and could expose confidential sources and witnesses to possible harm. It was also contended that the Commission ought to have followed the procedure under Section 11(1) in respect of the third-party information contained in the records. The State also relied upon Rule 29 of the



DVAC Manual, the pendency of O.S.No.13833 of 2010 and the privilege claimed in those proceedings. It was further contended that masking the names from the voluminous records is impracticable.

6. The learned counsel appearing for the second respondent, on the other hand, submitted that the second respondent himself was the subject of the enquiry and that the enquiry ultimately resulted in closure of the proceedings in his favour. Therefore, it was contended that he is entitled to know the material on the basis of which the enquiry was conducted and concluded. It was further submitted that there is no material to establish any real threat to the life or physical safety of any witness or source and that the objection under Section 8(1)(g) is based only on a general apprehension. It was also submitted that the names of the other officers can be masked and that administrative difficulty cannot be a ground for denying the information.

7. It was further contended that, though the DVAC has been exempted under Section 24(4) of the RTI Act pursuant to G.O.Ms.No.158, Personnel and Administrative Reforms Department, dated 26.08.2008, it cannot claim a blanket exemption where the information relates to allegations of corruption. The second respondent also submitted that the internal provisions of the DVAC Manual cannot override the RTI Act and that the pendency of a civil proceeding cannot, by itself, defeat a request made under the RTI Act.



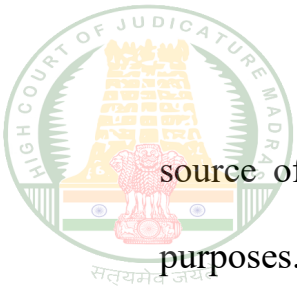
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8. This Court has considered the submissions made on both sides and perused the materials available on record.

9. The first question for consideration is the effect of Section 24(4) of the RTI Act. The Directorate of Vigilance and Anti-Corruption (DVAC) has been exempted from the operation of the RTI Act by G.O.Ms.No.158, Personnel and Administrative Reforms Department, dated 26.08.2008, issued under Section 24(4). However, the proviso to Section 24(4) makes it clear that such exemption does not apply to information relating to allegations of corruption and human rights violations.

10. In the present case, the Detailed Enquiry relates to allegations of corruption investigated by the DVAC. Therefore, Section 24(4) cannot be relied upon as a complete bar to the information sought by the second respondent. The request has to be considered with reference to the exemptions specifically provided under Section 8 of the RTI Act.

11. The next question is whether the information is exempt under Section 8(1)(g). This provision protects information where its disclosure would endanger the life or physical safety of any person or reveal the identity of a



source of information or assistance given in confidence for law-enforcement purposes.

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12. The State has not placed any material before this Court to show how disclosure of the names or particulars of the third parties would endanger their life or physical safety. No specific threat, circumstance or other material has been stated to support such an apprehension. A general assertion that disclosure may affect the safety of witnesses or third parties is not sufficient to attract Section 8(1)(g).

13. The second limb of Section 8(1)(g), relating to information supplied in confidence for law-enforcement purposes, stands on a different footing. If a person has supplied information to the DVAC in confidence and disclosure of his identity would reveal that source, such information may be protected. However, the mere presence of a person's name in an enquiry file does not, by itself, establish that the person was a confidential source. The exemption must be based on the nature of the information and the circumstances in which it was supplied.

14. In the present case, therefore, the State has not established that disclosure of the names of the third parties would endanger their life or physical safety. It has also not shown, in respect of each such person, that disclosure would reveal a confidential source of information or assistance given for law-



enforcement purposes. Therefore, Section 8(1)(g) cannot be invoked as a blanket ground for withholding the names and particulars of all third parties.

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15. The next question is whether the information is protected under Section 8(1)(j). The Supreme Court has held that service and disciplinary records containing personal information are ordinarily protected from disclosure unless larger public interest justifies such disclosure. In ***Girish Ramchandra Deshpande v. Central Information Commissioner, (2013) 1 SCC 212***, the Supreme Court held that disciplinary and service-related information may constitute personal information. The same principle was reiterated in ***Canara Bank v. C.S. Shyam, (2018) 11 SCC 426***.

16. The present case, however, stands on a different footing. The second respondent is not seeking the service records of an unrelated third party. He himself was the subject of the Detailed Enquiry and the enquiry was ultimately closed in his favour. The information sought substantially concerns the proceedings conducted against him. Therefore, the above decisions do not justify withholding the entire enquiry record from him.

17. At the same time, the fact that the second respondent was the subject of the enquiry does not give him an unrestricted right to obtain every item contained in the enquiry file. Where a document contains genuinely private information relating to an unrelated third party, such information may be protected under Section 8(1)(j). However, such information must be identified



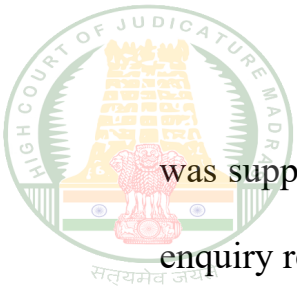
and cannot be withheld merely because the document forms part of the enquiry record.

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18. Section 10 of the RTI Act provides the appropriate mechanism in such cases. Where only a part of a document is exempt from disclosure, that portion can be severed and the remaining portion furnished, provided the remaining information can reasonably be disclosed. Thus, the entire enquiry file cannot be withheld merely because some portions may contain exempt information.

19. The Information Commission was, therefore, justified in holding that Section 24(4) did not constitute a complete bar to disclosure. The direction issued by the Information Commission to furnish the information and copies of the documents sought by the second respondent, subject to masking the names and other particulars of the other officers concerned, is consistent with the provisions of the RTI Act.

20. As regards Rule 29 of the DVAC Manual, an internal administrative instruction requiring information collected during an enquiry to be treated as confidential cannot create an exemption which is not contained in the RTI Act. Whether information can be withheld must ultimately be decided with reference to the exemptions provided under the Act. The internal requirement of confidentiality may be relevant in determining whether particular information



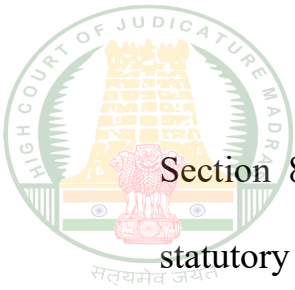
was supplied in confidence, but it cannot by itself justify withholding the entire enquiry record.

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21. The pendency of O.S.No.13833 of 2010 and the stand taken by the DVAC in those proceedings under Section 124 of the Indian Evidence Act also cannot constitute an independent ground for refusing the RTI application. The question whether a document is privileged from production in judicial proceedings is distinct from the question whether it is exempt from disclosure under the RTI Act. The latter has to be decided in accordance with the provisions of the RTI Act.

22. The contention that the records are voluminous or that masking the names and particulars of third parties may involve some administrative difficulty also cannot justify complete denial of the information. Section 10 expressly permits severance of exempt portions. The effort involved in applying the statutory requirement of severability cannot convert otherwise disclosable information into exempt information.

23. The requirement under Section 11 also does not, by itself, justify withholding the entire enquiry record. Section 11 prescribes a procedure where the Public Information Officer intends to disclose information relating to or supplied by a third party and such information has been treated as confidential. The provision does not create an independent exemption from disclosure. Where the information proposed to be disclosed is otherwise not exempt under



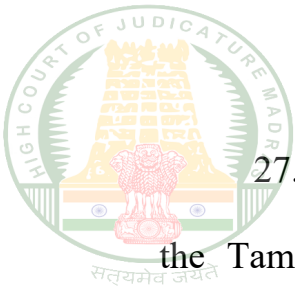
Section 8, the procedure under Section 11 has to be followed wherever the statutory conditions are satisfied.

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24. On an overall consideration of the matter, this Court is of the view that the second respondent is entitled to the information relating to the Detailed Enquiry conducted against him, subject to the limited exemptions recognised by the RTI Act. The State has not established any basis for withholding the entire enquiry record under Section 24(4) or Section 8(1)(g). The order passed by the Tamil Nadu State Information Commission does not, therefore, call for interference.

25. Accordingly, the second respondent shall be furnished the enquiry records relating to the Detailed Enquiry conducted against him, in terms of the impugned order dated 30.05.2024. The names and particulars of the other officers shall be masked as directed by the Information Commission. The information shall be furnished in accordance with the directions contained in the impugned order.

26. If any particular document contains information which attracts the procedure under Section 11, the Public Information Officer shall follow the said procedure before disclosing such information. Such a requirement shall not, however, be treated as a ground for withholding the remaining information which is otherwise disclosable under the RTI Act.



27. In view of the above, the impugned order dated 30.05.2024 passed by the Tamil Nadu State Information Commission is confirmed. The second respondent shall furnish the information and copies of the documents sought by him, in terms of the said order, within the time stipulated therein.

28. The writ petition is accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions, if any, are closed.

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Index: Yes/No

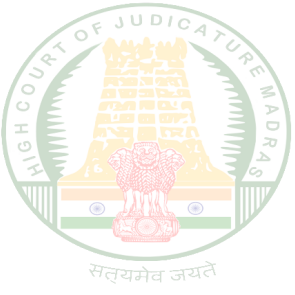
Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

Tamil Nadu State Information Commission,
Block No.19, Government Farm Village, Pernpet,
Nandanam, Chennai-600 035.



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HEMANT CHANDANGOUDAR, J.

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