



2025:DHC:2675



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment pronounced on: 17.04.2025*+ **W.P.(C) 3171/2018**

VINOD KUMAR BINDAL

.....Petitioner

Through: Dr. Amit George, Advocate along  
with Mr. Siddharth Garg and Ms.  
Suparna Jain, Advocates.

versus

CENTRAL INFORMATION COMMISSIONER AND ORS.

.....Respondents

Through: Mr. Atul Guleria, SPP, CBI along  
with Mr. Aryan Rakesh and Mr.  
Pankaj Kumar, Advocates.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****JUDGMENT**

1. The present petition has been filed by the petitioner challenging the order dated 19.12.2017, passed by respondent no. 1, i.e., the Central Information Commission (CIC), in Appeal No. CIC/ MPERS/ A/2017/ 107414/MP. The impugned order dismissed the petitioner's second appeal under the Right to Information Act, 2005 (RTI Act).
2. The petitioner is a practicing Chartered Accountant, residing in New Delhi. His name was included in a list of "Undesirable Contact Men" (UCM) which was allegedly circulated by the CBI and subsequently published in various newspaper clippings.
3. Thereafter, these clippings, with the CBI's emblem on them, were uploaded on the CBI's official website. As per these reports, government



officials were cautioned against dealing with, associating with, or accepting hospitality and gifts from individuals named in the UCM list.

4. The petitioner submits that the publication of this list has significantly tarnished the petitioner's professional reputation. It is submitted that he was previously empanelled with the Income Tax Department to conduct special audits under Section 142(2A) of the Income Tax Act. However, since the circulation of this list in 2005, his name has been removed from the panel, thereby depriving him of crucial professional assignments and causing financial losses.

5. Aggrieved by the inclusion of his name in the UCM list, the petitioner filed an RTI application dated 19.07.2016 with the Central Public Information Officer (CPIO) of the CBI, seeking specific details regarding his name's presence on the list, the reasons for such inclusion, and the procedure followed. The RTI application dated 19.07.2016 filed by the petitioner is reproduced as under –

“ Sir,

*On perusal of the website portal of the CBI i.e. [www.cbi.gov.in](http://www.cbi.gov.in), it has been seen that a newspaper clipping has been posted thereon showing names of some persons as Undesirable Contact Men (UCM) allegedly circulated by the CBI. A copy of the same as download from there is enclosed for ready reference.*

2. *The name of the undersigned applicant also appears therein.*

3. *The applicant wants the information on the following issues:*

*A. Whether, is it true that any list of Undesirable Contract Men is prepared by the CBI and for what purpose?*

*B. Is the said list prepared annually or after expiry of some other period?*

*C. What is the period for which the said list, after is prepared, is operative?*

*D. How, to whom and in what manner, the same is circulated by the CBI?*



*E. Does the CBI puts the said list in public domain in any manner for public information or a copy of the same is given to media for publication as has been done in view of the enclosed newspaper story?*

*F. Whether is it true that the said story published in the newspaper and which has been put on the web portal of the CBI as per the enclosed clipping is correct and had approval of the CBI for its publishing?*

*G. Whether all stories printed by the newspaper in India having mention of the CBI are placed on the web portal of the CBI or selectively?*

*H. What are the criteria for putting newspaper clipping on the web portal of the CBI?*

*I. What are the procedure/criteria adopted by the Central Bureau of Investigation in identifying the persons under the category- "Undesirable Contract Men"?*

*J. Whether are the persons whose names are included in the list of 'Undesirable Contract Men' ever notified by the Central Bureau of Investigation about the reasons for inclusion of their names or of such inclusion only any time at all?*

*K. What were the criteria/reasons for inclusion of the applicant's name in the said list of Undesirable Contract Men', if any, prepared and circulated by the CBI?*

*L. Since when the name of the applicant has been appearing in the said list and for what reasons?*

*M. What are the procedure/criteria of exclusion (if at all) of the name of any person from the said list of Undesirable Contract Men?*

*N. Is the name of the applicant still appearing in the latest list of UCM and if no, then from which date?*

*O. What were the factors which had been taken into consideration to exclude my name (if at all excluded) from the said list?*

*P. Which is the Government law, rule, notification, direction, order or any letter directing/desiring the CBI to prepare such list? A copy of the same may also be provided to the applicant.*

*4. The applicant and his counsel should be allowed an inspection of all the relevant record/files in the office of the CBI putting name of the applicant in the said list and for which time, date and place may also kindly be intimated.*

*5. The applicant may also be provided copies of the lists of the UCMs prepared by the CBI since the name of the applicant has been included therein. Necessary copying fees for obtaining the copies as*



*requested herein may also be intimated to enable the applicant to deposit the same.*

*6. Necessary postal order of Rs.10/- as prescribed fee and the applicant form published by the CBI on its web portal for seeking such information are enclosed.”*

6. The application was initially received by the Superintendent of Police, CBI, on 20.07.2016. However, the CPIO, Anti-Corruption Branch, transferred the RTI application under Section 6(3) of the RTI Act to the CPIO at CBI Headquarters, Delhi, on 19.08.2016. The letter dated 19.08.2016 is reproduced as under –

*“Sub: Transfer of RTI application dated 19.07.2016 of Shri Vinod Kr. Bindal, under Section 6(3) of RTI Act, 2005- Regarding.*

*Please find enclosed herewith a RTI application dated 19.07.2016 of Shri Vinod Kr. Bindal, on the subject cited above.*

*2. Since the matter pertains to your office, the RTI application is being transferred u/sec. 6(3) of the RTI Act, 2005 for taking necessary action at your end.*

*3. In case it does not fall under your jurisdiction it may please be further transferred to the public authority to which the subject matter is more closely connected, directly under intimation to the applicant.”*

7. Subsequently, the CPIO at CBI Headquarters, vide letter dated 05.09.2016, transferred the request to the Policy Division of CBI, citing that the subject matter pertained to policy-related matters. Letter dated 05.09.2016 is reproduced as under –

*“Sub: Transfer of RTI application dated 19.07.2016 of Sh. Vinod Kumar Bindal under Section 6(3) of Right to Information Act, 2005.*

*Please find enclosed RTI application dated 19.07.2016 of Sh. Vinod Kumar Bindal, R/o House No. B-2, Vivek Vihar, Phase-I, New Delhi-110095 addressed to the CPIO, CBI, ACB, New Delhi, as transferred to this office by Shri Sanjeev Gautam, CPIO/HOB, CBI, ACB, New Delhi vide his letter dated 19.08.2016, received in this office on 23.08.2016 for necessary action. Applicant sought the information regarding the*



*genuineness, authenticity and criteria for preparing the list of Undesirable Contract (UCM) available on Website of the CBI i.e. www.cbi.gov.in allegedly prepared and circulated by the CBI to caution the government official against dealing with these 23 people/lobbyists, including the name of the applicant which also appears therein. (Copy enclosed).*

*The perusal of the instant RTI application reveals that the subject matter of information does not fall within the jurisdiction of the office. Moreover, it is closely connected with the Policy Division of CBI. Hence, the instant reference is being transferred to the concerned CPIO/AIG (P), Policy Division, CBI, North-Block, New Delhi under the provision of Section 6(3) of RTI Act 2005 for necessary action.*

*Accordingly, it is requested that a suitable reply, as deemed fit, may be given to the applicant. In case it does not fall under your jurisdiction, the application may be further transferred to the concerned public authority directly to which the subject matter is more closely connected under intimation to the applicant.*

8. On 16.09.2016, the Assistant Inspector General of Police (Policy Division), who also functions as the CPIO, rejected the RTI application on the ground that the CBI is exempt from disclosing information by virtue of Section 24(1)<sup>1</sup> of RTI Act. The rejection was based on a government notification dated 09.06.2011, which included the CBI in the Second Schedule of the RTI Act, thereby exempting it from disclosure obligations, except in matters related to allegations of corruption and human rights violations. Reply, dated 16.09.2016 to the RTI application, is reproduced as under –

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<sup>1</sup> **24. Act not to apply to certain organisations.**—(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government: Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.



*“Sub: Request for information under Right to Information Act-2005.*

*Please refer to your RTI application dated 19.07.2016, received in this office on 07.09.2016, on the subject cited above.*

2. *It is to inform that vide notification No. F. No. 1/3/2011-IR dated 09.06.2011 of the Govt. of India issued u/s 24 of RTI Act 2005, the Central Bureau of Investigation has been put at SI. No. 23 of the Second Schedule to Right to Information Act, 2005, subject to the provisions of Section 24 of RTI Act. As such, information asked by you is not covered under the RTI Act.*

3. *Appeal against this reply can be made to the Dy. Insp. General of Police (Policy), CBI, Room No. 27, North Block, New Delhi within 30 days from the date of the receipt of this letter.”*

9. Dissatisfied with the CPIO's response, the petitioner filed a First Appeal on 01.10.2016, arguing that since the information sought was related to allegations of corruption, it was not exempt under Section 24 of the RTI Act.

10. However, on 03.11.2016, the First Appellate Authority (FAA), CBI Policy Division, dismissed the appeal, upholding the initial rejection. The FAA relied upon the pendency of case titled **CPIO CBI vs. C.J. Karira** (W.P. (C) No. 7439/2012), before the High Court and, on that basis, took the view that the information sought could not be disclosed. Order dated 03.11.2016 passed by the First Appellate Authority (FAA) is reproduced as under –

*“The appellant Shri Vinod Kumar Bindal has filed an appeal dated 01.10.2016 against the reply of AIG(P)&CPIO, Policy Division, sent vide letter No. 21/1/(123)/2016.PD/2585 dated 16.09.2016 in response to his RTI application dated 19.07.2016. The appeal was received in the office of the undersigned on 06.10.2016.*

2. *I have gone through the RTI application dated 19.07.2016 received in the office of AIG (P) & CPIO, CBI Policy Division on 07.09.2016 reply given by AIG (P) & CPIO, CBI, Policy Division vide letter No.21/*



*1(123)/ 2016-PD/ 2585 dated 15.09.2016 and Appeal dated 01.10.2016 of the Appellant.*

*3. It has been observed that AIG(P) & CPIO, CBI, Policy Division vide letter No.21/ 1(123)/ 2016-PD/ 2585 dated 16.09.2016 has informed that as per Notification No. F.1/3/2011-IR dated 9.6.2011 of the Govt. of India issued u/s 24 of the RTI Act 2005, the Central Bureau of Investigation has been put at SI No. 23 of the Second Schedule to Right to Information Act, 2005, subject to provision of Section 24 of RTI Act. It was further informed that as such information asked by Applicant was not covered under RTI Act, 2005.*

*4. The Appellant in his first appeal has submitted that the information desired is not covered by the said exemption as it pertains to an allegation of corruption and for which the said section 24 of the RTI Act is not applicable and has suggested that an allegation of probable corruption has been made against him.*

*5. AWP. (C) 7439/2012 CPIO/CBI Vs. C.J. Karira is pending in the Hon'ble High Court of Delhi at New Delhi wherein CBI has challenged the order of Central Information Commission dated 31.10.2012 for providing information sought by the applicant related to allegations of corruption against various public servants. The Hon'ble High Court of Delhi vide order dated 30.11.2012 had stayed the operation of impugned order dated 31.10.2012 The matter is sub-judice.*

*6. After examination of all the documents/records produced, the undersigned is of the view that the reply given by AIG (P) & CPIO, CBI, Policy Division vide letter dated 16.09.2016 is in accordance with the provisions of RTI Act, 2005 and Notification No. F. No. 1/3/2011-IR dated 09.06.2011 of the Govt. of India issued u/s 24 of RTI Act 2005.*

*7. The appeal dated Nil is accordingly disposed of.*

*8. The Second appeal against the decision shall lie with the Central Information Commission, 2<sup>nd</sup> Floor, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within ninety days from the date of issue of this order."*

11. Following the dismissal of the First Appeal, the petitioner filed a Second Appeal before the Central Information Commission (CIC) within the prescribed period under the RTI Act. The appeal was registered as Appeal No. CIC/MPERS/A/2017/107414/MP. The petitioner reiterated his



arguments that the requested information was linked to allegations of corruption and, therefore, did not fall under the exemption of Section 24 of the RTI Act.

12. On 19.12.2017, the CIC dismissed the appeal, stating that the petitioner's reliance on newspaper clippings was insufficient evidence to establish allegations of corruption. Order dated 19.12.2017 is reproduced as under –

**“ORDER**

*Shri Vinod Kumar Bindal, the appellant, sought certain information regarding posting of a newspaper clipping publishing thing names of certain persons, including that of the appellant as 'Undesirable Contact Men' by CBI on its website [www.cbl.oov.in](http://www.cbl.oov.in) and which was allegedly circulated by CBI. The appellant sought to know whether the CBI did prepare any such list of "Undesirable Contact Men as well as the purpose of preparing such list, whether the list was prepared annually, time period till which the list in question was operative; how the list was circulated and the manner of circulation; whether the list was put in public domain by CBI; whether the newspaper clipping regarding list of "Undesirable Contact Men' was true; etc., through various sub-points. In addition to the above, the appellant also sought inspection of relevant records/files in the CBI's office regarding publication of name of the appellant in 'Undesirable Contact Men List and copies of lists of UCMS prepared by CBI in the past.*

*2. The Central Public Information Officer (CPIO), HoB, Anti-Corruption Branch, CBI, transferred the appellant's RTI application u/s 6(3) to the CPIO-cum-HoB, CBI (HQ), Delhi, for responding to the appellant directly. The SP-cum-CPIO (HQ), on perusal of the appellant's RTI application intimated him that the subject matter was closely connected with the Policy Division of CBI and therefore, transferred the appellant's RTI application u/s 6(3) to the CPIO/AIG (P). Policy Division, CDI, North Block, New Delhi for necessary action. The CPIO/AIG (P) Informed and the appellant that the CBI was placed at Sl. No. 23 under the Second Schedule to the RTI Act, the RTI Act, 2005 and the Act was not applicable to the CBI and hence, claimed exemption from disclosure of the requisite Information. The appellant, being dissatisfied with the CPIO's response, filed an appeal before the First Appellate Authority (FAA) stating that the proviso to Section 24(1) of the RTI Act, 2005 clearly stated that*



information could not be denied to the applicant if it pertained to allegations of corruption. Since an allegation of probable corruption had been made against the appellant by including his name in the alleged UCM List which was prepared and circulated by CBI, information must be provided in the interest of natural justice. The appellant, therefore, requested the FAA to direct the CPIO to provide the desired information to the appellant. The FAA, while upholding the decision of the CPIO informed the appellant that CBI had already challenged the order dated 31.10.2012 of CIC before the Hon'ble Delhi High Court whereby CIC had directed CBI to provide information related to allegations of corruption against various public servants and the High Court had stayed the impugned decision. Aggrieved with the denial of requested information by FAA, the appellant approached the Commission reiterating his request for providing the information sought by him in his RTI application as CBI must furnish information relating to the appellant.

3. The matter was heard by the Commission. The appellant stated that according to a newspaper clipping of Pioneer newspaper dated 11.6.2012 CBI had prepared and published a list of 'Undesirable Contact Men' on its website which also included the appellant's name. As per the list, CBI had blacklisted certain persons and advised the government to not to deal with such "unscrupulous" persons or allot any official work to those whose names appeared in the list as they were involved in corruption matters. The appellant added that he was a qualified and practicing Chartered Accountant since 1978 who was there on the Income Tax panel. However, after the publication of the list, his name was struck off from the panel based on inclusion of his name in the UCM list which was published in newspapers since 2005. Further, the CBI published the list in question on its website without informing the appellant or issuing any disclaimer and putting up such information on its website shows CBI's acknowledgment. The appellant alleged that CBI had caused considerable harm to his reputation and defamed him and cited decisions of Hon'ble Delhi High Court in the case of CPIO, CBI vs. CJ Karira [W.P.(C) 7439/2012, decision dated 7.9.2017] and CPIO, intelligence Bureau vs. Sanjiv Chaturvedi [W.P.(C) 5521/2016] categorically observing that if the Information sought from exempt intelligence and security organizations (CBI, in this case) pertained to allegations of corruption and human rights violation it would not be excluded u/s 24(1) of the RTI Act, 2005.

4. The respondents denied the allegations made by the appellant stating that the appellant was merely relying on a newspaper clipping while, they had verified it with their Chief Information Officer (CIO) and Special Unit who was Official spokesman of the organization and responsible for preparation of press release and releasing the same to the Press. The CIO denied having given any such information to



newspaper/media. In fact, the appellant was presuming that his name was published in the list in question as it was a highly secret document and the same had not been disclosed to media at all. Moreover, as per the newspaper clipping enclosed by the appellant, UCM list was published only in 2012. The respondents added that CBI was an exempt organization as per Second Schedule of the RTI Act, 2005 to which the provisions of the RTI Act, 2005 were not applicable and CBI had already challenged the decisions above given by Delhi High Court before the Division Bench which was listed for hearing on 12th December, 2017 in LPA 711/2017.

5. On hearing both the parties and perusing the available records, the Commission observes that the appellant has merely relied on a newspaper clipping alleging and presuming that his name was published in a so called 'Undesirable Contact Men List, prepared and circulated by CBI which was also put up by the respondent authority on its website. The appellant failed to corroborate his claim with any compelling evidence that the list was circulated by CBI even when the respondent categorically stated during the hearing that it was a highly confidential document and they had verified it with their CIO that no such list was given to media by CBI. The Commission cannot direct the respondent authority to disclose any information relating to said UCM List based on presumptions of the appellant regarding alleged corruption. The Hon'ble High Court of Delhi in its decision dated 16/09/2014 (W.P. (CRL.) No. 807 of 2014 - Manohar Lal Sharma vs. CBI & Ors has held as under.

"7. We may at the outset point out that the writ petition has been filed purely on the basis of the newspaper reports without producing any material to substantiate the authenticity of the contents of the said reports.

8. In *Laxmi Raj Shetty and Anr. Vs. State of Tamil Nadu*, reported in (1988) 3 SCC 319, the Supreme Court while examining the issue of admissibility of newspaper report observed as follows:

"..... We cannot take judicial notice of the facts stated in a news Item being in the nature of hearing secondary evidence, unless proved by evidence allunde. A report in a newspaper is only hearsay evidence. A newspaper is not one of, the documents referred to in Section 78(2) of the Evidence Act, 1872 by which an allegation of fact can be proved. The presumption of genuineness attached under Section 81 of the Evidence Act to a newspaper report cannot be treated as proof of the facts reported therein."

10. It is clear from the above noticed settled legal position that the petitioner is bound to plead his case and produce sufficient



*evidence to substantiate the averments made in the petition. Admittedly, no such effort has been made by the petitioner herein."*

*Thus, mere allegation of corruption made by the appellant without sufficient evidence to substantiate the averment cannot be accepted. The Commission would, however, like to add that operation of the judgment dated 7.9.2017 of Hon'ble Delhi High Court in CPIO, CBI vs. CJ Karira (supra) has not been stayed by the Division Bench in LPA 711/2017 so far and until the single bench decision is stayed, it shall remain valid and binding on the parties to the case. No further intervention is, therefore, called for in the matter. The appeal is disposed of."*

13. Being aggrieved with the aforesaid order of the CIC, the petitioner has filed the present petition.

14. The petitioner contends that his name was arbitrarily included in the UCM list without prior notice or an opportunity to be heard, in blatant violation of the principles of natural justice. It is further submitted that the petitioner's primary grievance was *qua* a newspaper report that allegedly mentioned his name in the UCM list. This report was subsequently endorsed by respondent no. 1 by republishing it on the official website of the Central Bureau of Investigation (CBI), thereby giving it official legitimacy. The petitioner specifically relies on the fact that the newspaper clipping was directly sourced from the CBI's website, with its emblem clearly displayed, which amounts to an official endorsement of the same.

15. It is submitted that the petitioner's case is excluded from the bar of disclosure under Section 24(1) of the RTI Act. It is pointed out that the proviso to Section 24(1) of the Act clearly contemplates that information pertaining to allegations of corruption and human rights violations shall not be exempt from disclosure. During the course of the hearing, the counsel for the petitioner submitted that the petitioner does not seek to invoke the



exemption regarding allegation of corruption, but rather relies on the human rights violation exception in the present case.

16. The petitioner submits that the publication of the newspaper clipping on the website of the CBI in the manner aforesaid, has severely tarnished his reputation in society, causing irreparable harm to his dignity and professional standing. The unwarranted inclusion of his name in the UCM list has adversely impacted his career, depriving him of professional opportunities.

17. It is contended that since the inclusion of his name in the UCM list has subjected him to public scrutiny and professional ostracization without due process, it constitutes an infringement of his human rights and dignity.

18. In support of his contentions, the petitioner has relied upon ***CPIO CBI v. C.J. Karira***, 2017 SCC OnLine Del 10475 and ***Union of India v. Central Information Commission and Another***, 2022 SCC OnLine Del 824.

19. On the other hand the respondent no.1 submits that the CBI is placed under Serial No. 23 of the Second Schedule to the RTI Act. This categorization grants CBI a general exemption from the applicability of the RTI Act, as per Section 24 of the RTI Act.

20. It is submitted that the petitioner has failed to establish before the Appellate Authorities that the information he sought falls within the exceptions listed in Section 24(1). It is pointed that the CIC, in its Order dated 19.12.2017, observed that the petitioner's allegations of corruption lacked sufficient evidence to substantiate such claims.

21. It is further submitted that the petitioner's claim regarding the inclusion of his name in a list of "undesirable contact persons" on the CBI portal is unsubstantiated. The list in question was published as part of



general public information on the CBI website, containing information about individuals who may be of concern to government officials.

22. At the outset, it may be apposite to examine the statutory prescription contained in Section 24 (1) of the RTI Act, which reads as under –

*“24. Act not to apply to certain organisations.—(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:*

*Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:*

*Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.”*

23. It is evident that while Section 24(1) generally exempts intelligence and security organizations (including CBI as per schedule two of the RTI Act) from the purview of the RTI Act; the proviso thereof explicitly states that information related to allegations of corruption and human rights violations shall not be excluded from disclosure.

24. *Prima facie*, this Court finds merit in the petitioner’s argument that the publication of his name, in the manner aforesaid, has resulted in a violation of human rights as the same has harmed his dignity and professional standing.

25. The Petitioner has rightly placed reliance on the judgment of a Division Bench of this Court in ***Union of India v. Central Information Commission and Another***, 2022 SCC OnLine Del 824, wherein, while



determining the scope of the human rights exemption under the RTI Act, it has been observed that “the expression ‘human rights’ cannot be given a narrow or pedantic meaning. Human Rights are both progressive and transformative.”

26. The relevant portion of the judgment is reproduced as under -

*“14. Undoubtedly, the Appellant is an intelligence and security organization specified in Second Schedule of RTI Act and is exempt from the purview of RTI Act except when the information pertains to allegation of corruption and human rights violation. Consequently, the submission made by Mr. Amit Mahajan is correct that the Appellant cannot be called upon to disclose information under the provisions of RTI Act except when the information sought pertains to the allegations of corruption and human rights violation.*

*THE EXPRESSION ‘HUMAN RIGHTS’ CANNOT BE GIVEN A NARROW OR PEDANTIC MEANING. HUMAN RIGHTS ARE BOTH PROGRESSIVE AND TRANSFORMATIVE.*

*15. Accordingly, the issue that arises for consideration in the present case is whether the information sought for by the respondent falls within the expression ‘human rights’.*

*16. Though, the term ‘human rights’ has not been defined in the RTI Act, yet it has been defined in the Protection of Human Right Act, 1993 (in short ‘1993 Act’). Section 2(1)(d) of the 1993 Act provides for definition of the term ‘human rights’ which reads as under:*

*‘2. Definitions - (1) In this Act, unless the context otherwise requires-*

*xxxx*

*xxxx*

*xxxx*

*(d) “human rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. .... ”*

*17. This Court is of the opinion that the expression ‘human rights’ cannot be given a narrow or pedantic meaning. It does not refer to the rights of the accused alone. Human rights have been used for a variety of purposes, from resisting torture and arbitrary incarceration to determining the end of hunger and of medial neglect. In fact, the human rights are both progressive and transformative.”*



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27. Furthermore, in response to a specific query raised by this Court, learned counsel for the respondent has conceded that the CBI, from time to time, compiles and maintains UCM lists. There is no dispute that the concerned newspaper clipping (showing names of some persons as UCM), was uploaded on the CBI's official website, thereby imparting an official tinge to the same.

28. Having carefully considered the submissions of both parties, it appears that the applicability of the proviso to Section 24(1) of the RTI Act on the ground of violation of the petitioner's human rights, was neither raised by the petitioner before the appellate authority nor examined by the authority while rendering the impugned order. In view thereof, the Court deems it appropriate to remand the matter to the Central Information Commission (CIC) for a fresh determination. The CIC is directed to reconsider the matter, specifically considering the aspect of human rights violation/s raised by the petitioner and determining whether the information sought falls within the exception carried out in the proviso to Section 24(1) of the RTI Act.

29. The present petition is disposed of in the above terms.

**SACHIN DATTA, J**

**APRIL 17, 2025/sv**