

# Bhagat Singh v. Chief Information Commissioner (2007)

**Notice on DPDP Rules, 2025.** The Digital Personal Data Protection Rules, 2025 were notified on 14 November 2025. With this notification, Section 44(3) of the Digital Personal Data Protection Act, 2023 became operational and amended Section 8(1)(j) of the Right to Information Act, 2005. The earlier public interest override within clause (j) stands removed. Public interest reasoning now operates through Section 8(2) of the RTI Act, which has not been amended. This page has been reviewed in the light of this change. For the full practitioner note, see *DPDP Rules, 2025: The amendment to Section 8(1)(j) of the RTI Act*.

**Did you know?** *Bhagat Singh* was one of the very first writ-court articulations of the RTI Act's default-disclosure principle, decided less than two years after the Act came into force. Its language — “the Right to Information Act is an important statute aimed at curtailing the culture of secrecy” — is still quoted in Commission orders today.

**In one line.** The Delhi High Court held that an income-tax investigation pending against the petitioner's wife could not be used as a blanket shield under **Section 8(1)(h)** to deny the petitioner access to the investigation report — once the assessment order had been passed, the investigation was effectively over, and disclosure could not impede what had already concluded.

### What that means in practice.

- Section 8(1)(h) (“would impede the process of investigation, apprehension, or prosecution”) requires a **specific, present impediment** — not a generic “investigation pending” label.
- Once the investigation reaches a conclusion (assessment, charge sheet, closure report), the exemption falls away.
- **Default disclosure** is the Act's animating principle.

## Citation

*Bhagat Singh v. Chief Information Commissioner and Ors.*, W.P. (C) No. 3114/2007.

**Bench:** Justice Ravindra Bhat.

**Date of judgment:** 3 December 2007.

**Court:** High Court of Delhi.

## The facts

The petitioner sought, under the RTI Act, the **investigation report** prepared by the Income Tax Department in connection with a proceeding involving his wife. He also sought **copies of the tax evasion petition** against her.

The CPIO refused, citing **Section 8(1)(h)** — that disclosure would impede the process of investigation. The First Appellate Authority and the Central Information Commission upheld the refusal. The petitioner approached the Delhi High Court under Article 226.

## The Court's reasoning

### Section 8(1)(h) requires specific impediment

Justice Ravindra Bhat held that the investigation in question had already **concluded** — the assessment had been passed. Whatever “investigation” existed for purposes of Section 8(1)(h) was over. The CPIO could not invoke the clause as a general shield for all records connected to a historical investigation.

The Court reasoned: the Act uses the words “**would impede**” — a future tense, requiring the PIO to show **how disclosure would actually impede an ongoing process**. A closed investigation cannot be impeded.

### Disclosure is the rule; exemption is the exception

In language that is still quoted today, the Court observed:

*“The Right to Information Act is an important statute aimed at curtailing the culture of secrecy... The disclosure of information is the rule. The exemptions listed in Section 8 are an exception.”*

### Remand for specific reasoning

The Court remanded the matter to the CIC with a direction that the Information Commission must **examine each document** sought and give **specific reasons** for any refusal — a generic invocation of Section 8(1)(h) was not acceptable.

## Why it matters

- **Blueprint for writ-court review of RTI refusals.** *Bhagat Singh* established the template that High Courts across India have since used when reviewing RTI refusals — demand specific reasoning from the Commission, not accept generic exemption labels.
- **Narrow reading of Section 8(1)(h).** PIOs cannot use “investigation pending” as a permanent shield. See [Pendency of investigation and Investigation under RTI](#).
- **Default-disclosure principle.** The Court's formulation — “disclosure is the rule; exemption is the exception” — is invoked in Commission orders when weighing any Section 8 refusal.

## Related on this site

- [The RTI Act, 2005 — current text. Section 8\(1\)\(h\).](#)
- [Pendency of investigation — Section 8\(1\)\(h\).](#)
- [Investigation under RTI.](#)
- [Justification for denial under RTI.](#)
- [Grounds for rejection.](#)
- [CBSE v. Aditya Bandopadhyay \(2011\).](#)
- [Case law library.](#)

## Status vs the 14 November 2025 DPDP amendment

*Bhagat Singh* engages **Section 8(1)(h)**, which was **not** touched by the DPDP Rules, 2025. The judgment remains fully good law. Its proportionality-adjacent reasoning on “specific impediment” also aligns well with the *Puttaswamy* framework applied to other clauses.

### Sources

1. *Bhagat Singh v. Chief Information Commissioner and Ors.*, W.P. (C) No. 3114/2007, High Court of Delhi, decided 3 December 2007.
2. The Right to Information Act, 2005, Sections 8(1)(h), 19.

### Last reviewed on

20 April 2026

rti, case-law, delhi-high-court, section-8-1-h, investigation-pending, bhagat-singh, 2007



#### Right to Information Wiki

The working reference for India's Right to Information Act, 2005.



**Read online**

<https://righttoinformation.wiki/important-decisions/court/bhagat-singh-vs-cic>

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