**Denial of information to Complainant by Police / EOW/ ACB.**

**8 G: information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.**

**8H: information which would impede the process of investigation or apprehension or prosecution of offenders.**

**Regarding 8G: how police is the violator in almost all cases of economic offences. ( especially EOW and ACB)**

1. The complainant is source of information on the basis of which FIR is registered and Investigation has been started.
2. It is the complainant identity which needs to be protected as his life is in danger and/ or physical safety. Hence, this section cannot be applied to the Complainant.
3. There is no question of knowing the source of information as the complainant himself is source of information.
4. In reality the police / investigating agencies are not registering FIR immediately in complaints disclosing cognizable offences thereby violating the provision and guidelines of
5. Section 154 & 157 CRPC
6. Section 156(2) CRPC by not registering zero FIR where it has no jurisdiction to investigate but is empowered by law to register FIR and forward to concerned police station.
7. Lalita Kumari judgment para 111
8. DGP circular dt. 17.2.2012 to register FIR within 48 hours.
9. GOI and Home department circular dt.10.5.2013, & 5.2.2014 to register FIR.
10. In reality the police / investigating agencies are violating the provision of
11. Section 167(2) CRPC to submit charge sheet within latest by 3 months, thereby facilitating bail to the accused in serious crimes.
12. Rule 217(5) of Bombay police manual wherein it is directed to submit xharge shet within 6 months or valid reasons should be submitted.

**Regarding 8H**: **( CITIZENS UNDER STAND THE DIFFERENCE BETWEEN INVESTIGATION AND ENQUIRY**

1. The police / EOW / ACB make false submission and deny the information to the complainant that the investigation is in progress. In fact, there is no FIR registered. Hence there cannot be any investigation. Investigation starts only after registration of FIR**. (Section 154 CRPC)**
2. Enquiry in any matter is not investigation. The police have no authority to conduct any type of enquiry. **( section 2G CRPC)**
3. Hon. Supreme Court **( Lalitakumari judgment para 111)** has granted authority to conduct enquiry **( time limit 7 days only )** to the extent whether the complaint / information before the Police discloses commission of cognizable offences. The police have no legal authority to call the accused / witness to record statement and collect any evidences. **(Conducting enquiry for more than 7 days and calling the witnesses & accused before registration of FIR is illegal and police can be prosecuted)**
4. So the police cannot deny the information of work done on the complaint filed before any police station before registration of FIR, as the RTI applicant has sought the information of Action taken before the investigation. The information sought pertains to enquiry and not investigation as mentioned in the section. Also demand the copy of FIR if the police officer insists that he is investigating the complaint without registering FIR.
5. The police cannot deny information to the complainant who has filed the complaint as mentioned above for 8G.
6. In almost every first appeal under RTI act, most of the FAA mislead the innocent RTI users by speaking about CRPC and other acts and deny information on wrongful grounds. Section 22 shall come in action in RTI appeal on the grounds

**The DCP or any other officer presiding on the First appeal under RTI act is not a police officer in this hearing of First appeal. The FAA in police department is not discharging his duty as police officer but as First Appellate authority under RTI act only. i.e. quazi Judicial authority. No other act / law shall be applied while disposing the First appeal.**