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resulted, such concurrent finding of fact is not binding on the High Court in second appeal. High Court has the right, rather the duty to set aside such concurrent finding and do justice. Courts of law after all are duty bound to do justice. If they fail to do justice, their will be erosion in the efficacy of the edifice on which the system rests.

(60) For the reasons given above, I am of the opinion that the plaintiffs do not have any case so far as challenge to sale *qua* 8/9 (2/9 + 2/3) share of land measuring 43 bighas 10 biswas is concerned. Plaintiffs case, however succeeds in so far as sale relates to 1/9 share of land measuring 43 bighas 10 biswas. So, this appeal partly succeeds and is allowed partly and the plaintiffs-appellants suit is decreed against the defendant is to the effect that sale deed dated 12th June, 1986 shall have no effect on their (plaintiffs) rights respecting 1/9 share of land measuring 43 bighas 10 biswas. By way of consequential relief, decree for permanent injunction is also granted to the plaintiffs-appellants restraining the defendants-respondents from dispossessing them from 1/9 share of land measuring 43 bighas 10 biswas and further restraining them from alienating 1/9 share of land measuring 43 bighas 10 biswas. No costs.

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S.C.K.

*Before Jawahar Lal Gupta & N.K. Sud, JJ*

GURBAKSH SINGH—*Petitioner*

*versus*

STATE OF PUNJAB & OTHERS—*Respondents*

C.W.P. No. 14453 of 1999

2nd May, 2001

*Constitution of India, 1950—Art. 226—Punjab Lokpal Act, 1996—S. 18—Dismissal of complaint against an Ex-state Revenue Minister—Lokpal declining the request for supply of copy of the report—Section 18 of the 1996 Act provides that the proceedings shall be held in camera and that the evidence shall be treated as confidential—The Act does not treat the report as confidential—No specific provision in the Act debarring the complainant from getting a copy of the report / order—Complainant entitled to claim a copy of the report.*

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*Held*, that the 1996 Act requires that the evidence shall be treated as confidential. The purpose is to protect the parties against unwarranted criticism by the public. However, the mere fact that the evidence is confidential cannot imply that even the report has to be shielded from public view. If the Legislature had intended that the report or the order shall be treated as secret and that a copy thereof shall not be made available to even the complainant, it could have said so specifically. In the absence of a specific provision debarring the complainant from getting a copy, we are not inclined to add to the provision or to read a bar into it which the legislature has not provided.

(Para 26)

Further held, that the statute places no cloak or cover of confidentiality on the final conclusions recorded by the Lokpal. It does not either expressly or by necessary implication say that the report shall not be revealed. It does not treat secrecy as sacred beyond the stage of enquiry. The legislature having not put the veil of confidentiality on the report, the petitioner was entitled to claim a copy. He should have been given. The respondents having wrongly denied it, we direct that they would give it forthwith.

(Paras 33 & 46)

P. S. Thiara, *Advocate for the Petitioner*

M.C. Berry, Senior Deputy Advocate General, Punjab for respondent Nos. 1 to 3.

S.K. Pipat, Sr. Advocate with M/s. Naresh Kaushal and Rishi Kaushal, Advocates for Respondent No. 4

### JUDGMENT

*Jawahar Lal Gupta, J.*

(1) Have the respondents acted in conformity with the provisions of the Punjab Lokpal Act, 1996, in rejecting the petitioner's request for the supply of a copy of the report/order made by the Lokpal? Do the provisions of the Punjab Lokpal Act, 1996 require that the report on the conduct of a Public man kept under cover? This is the core of the controversy in the present case. The facts may be briefly noticed.

(2) The petitioner claims to be an old Congressman. He filed a

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complaint before the Lokpal, Punjab against Mr. Jagmohan Singh Kang, respondent number 4. It was *inter alia* alleged that while serving as a state Revenue Minister, the fourth respondent had acquired property disproportionate to his known sources of income. A copy of the complaint submitted by the petitioner on 22nd May, 1996 has been produced as Annexure P-1 with the writ petition. On 9th September, 1996, the petitioner submitted a supplemental complaint. A copy has been produced as Annexure P-2 with the writ petition. *Vide* letter dated 12th July, 1999, the Registrar informed the petitioner that "having considered the relevant documents and evidence" the Lokpal had "come to the conclusion that the allegations have not been substantiated and as such this case has been closed and the complaint filed." The petitioner made an application for the supply of a copy of the report. The request was declined. *Vide* letter dated 6th August, 1999, the petitioner was informed that "in view of the confidentiality involved in the matter under Section 18 of the Punjab Lokpal Act, 1996, his request for the supply of the copy has been declined by the hon. Lokpal." Aggrieved by the two orders, copies of which have been produced as Annexures P-3 and P-4 respectively, the petitioner has approached this court through the present Writ Petition.

(3) The petitioner alleges that the action of the respondents in withholding the report is unfair, arbitrary and inconsistent with the concept of rule of law. Thus, the petitioner prays that a writ of *Mandamus* be issued directing the second respondent to supply a copy of the report. He also prays that the Court may pass such other order as it may consider appropriate in the circumstances of the case.

(4) On behalf State of the Punjab, Mr. M.S. Sandhu, Special Secretary, Department of Vigilance, has filed a reply. It has been averred that the state government has passed no order. The petitioner has made no complaint against it. No relief whatsoever has been claimed. Thus, the writ petition in so far as it relates to respondent No. 1 should be dismissed.

(5) The other respondents, however, contest the petitioner's claim. On behalf of the second respondent viz. the Lokpal, a written statement dated 7th February, 2000, was initially filed by Mr. S.P. Singh, the Secretary in his office. Subsequently, an amended written statement was filed.

(6) It has been pleaded by way of a preliminary objection that in view of the provisions of Section 25 of the Act, the decision of the Lokpal cannot be challenged or called in question in any court. Thus,

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the petition is not maintainable. However, this objection was not even referred to at the hearing of the case.

(7) On merits, it has been admitted that a complaint accompanied by an affidavit was duly filed by the petitioner. A supplementary complaint was also filed on 9th September, 1996. The complaint was verified in accordance with the provisions of Section 12. The complainant was given adequate opportunity to adduce evidence. The allegations were not established. The complaint was dismissed by the Lokpal by passing a speaking order on 7th July, 1999.

(8) It deserves mention that in the written statement as originally filed, it was categorically stated that the complaint was "disposed of at the verification stage under Section 12....and accordingly an intimation of the dismissal of the complaint was sent to the petitioner...." It was further asserted that no "inquiry as envisaged under section 13 of the act" was initiated. Thus, there was no occasion to "prepare any report under Section 16 of the Act..." However, in the amended written statement it has been clearly and categorically admitted that an inquiry as contemplated under Section 13 was held. The order as envisaged under S. 16 was passed by the Lokpal. On the crucial question regarding the supply of the copy of the report, it is maintained that in view of the provisions of Section 18, the evidence has to be treated as confidential. Thus, the petitioner is not entitled to a copy of the final report.

(9) A separate written statement has been filed by respondent No. 4. It is stated that "false and defamatory allegations have been made in... the writ petition..." due to "rivalry." The petitioner was an aspirant for the Congress ticket from the Morinda constituency. The respondent had got the ticket. He had contested the election and won. He was inducted into the Ministry. He had discharged his functions as a State Minister honestly and to the best of his ability. He had never taken any advantage of his position. In fact, the respondent was only assisting the then Chief Minister, S. Beant Singh "who was holding the portfolio of revenue." The allegations had been made by the petitioner to gain publicity. These were inquired into and found to be baseless. Thus, the complaint was dismissed. The Act having provided that the proceedings shall be held in camera and that the evidence shall be confidential, the petitioner is not entitled to claim that a copy of the report be supplied to him.

(10) The petitioner has filed a replication to the written statement filed on behalf of the 2nd respondent. The claim as made in the Writ

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Petition has been reiterated. The pleas raised by the second respondent have been controverted.

(11) Learned Counsel for the parties were heard. On behalf of the petitioner, it was contended by Mr. P.S. Thiara that the respondents were not entitled to withhold the copy of the report prepared by the Lokpal. The claim was controverted by Mr. M.C. Berry, the Senior Deputy Advocate General for the State of Punjab. He contended that in view of the provisions of the Act, the request of the petitioner had been rightly rejected. Mr. S.K. Pipat, learned Counsel for the fourth respondent submitted that in view of the statutory scheme, the petitioner was not entitled to get a copy of the report or the order passed by the competent authority. The counsel also referred to certain decisions.

(12) Before proceeding to Consider respective submissions made by the counsel, it may be noticed that the preliminary objection based upon Section 25 of Act was not pressed by the counsel for the respondents at the hearing of the case. Thus, it does not appear to be necessary to consider the validity of the plea as raised in the pleadings. However, it may only be mentioned that the protection embodied in Section 25 to the Lokpal and the Officers etc. against any suit, prosecution or other proceedings' for anything done or intended to be done in good faith cannot be a bar to the filing of a Writ Petition. It is also equally clear that the provision barring a challenge to the order passed by the Lokpal "in any court" cannot affect or exclude the power conferred by the Constitution on this court under article 226. Thus, it is no surprise that the objection as raised in the pleadings was not even mentioned much less than pressed by the learned counsel.

(13) In view of the contentions of the counsel, the sole question that arises for consideration is—Have the respondents acted in conformity with the provisions of the Punjab Lokpal Act, 1996, in rejecting the petitioner's request for the supply of a copy of the report/order made by the Lokpal ?

(14) Inevitably, a brief reference to the relevant provisions of the Act is imperative. Under Section 11 "any person other than a public servant" can "make a complaint...to the Lokpal." Section 9 empowers the Lokpal to "inquire into any matter involved in or arising from or connected with any allegation of misconduct against public man made in a complaint..." Section 10 postulates that the complaint should have been made "within five years from the date of occurrence of the misconduct." Under Section 12 of the Lokpal has to make a preliminary scrutiny of complaint. If it found that "he cannot make

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any inquiry in respect of the complaint by reason of the provisions of sub-section (3) of Section 10" or "that the complaint is not made within the period as specified in sub-section (1) of Section 10 and that there is no sufficient cause for entertaining the complaint"; or "That the complaint is frivolous or vexatious or is not made in good faith"; or "that there is no sufficient ground for inquiring into the complaint", the "Lokpal shall dismiss the complaint after recording his reasons therefor and *communicate the same to the complainant and the competent authority concerned.*" (emphasis supplied). For the purpose of verification, the Lokpal can devise such procedure as he may deem appropriate. Clause 3 requires that "any order affecting the rights of the person complained against shall be *speaking order.*"

(15) If the process of preliminary verification discloses a *prima-facie* case, the Lokpal can proceed to hold an inquiry. The procedure for the inquiry is laid down in Section 13. It has to conform to the principles of natural justice. The proceedings have to be conducted in Camera. Section 14 empowers the Lokpal to compel any public servant or person to produce documents or furnish information relevant to the enquiry. The powers of the civil court "while trying a suit under the Code of Civil Procedure, 1908 in respect of the matters" enumerated in sub clauses (i) to (vi) like summoning and enforcing the attendance of any person and examining him on oath; requiring the discovery and production of any document..." have been specifically conferred on the Lokpal. Clause 2 of Section 14 declares that "a proceeding before the Lokpal shall be deemed to be a judicial proceeding under the meaning of Section 193 of the Indian Penal Code, 1860." Still further, the Lokpal can summon any evidence and it can be withheld only when it is such "as might prejudice the security of the State or the defence or international relations of India..." Even the proceedings of the Council of Ministers have been saved. Section 15 deals with the matter of search and seizure. Under Section 16, the Lokpal can close the case if he is satisfied after inquiry that "no allegation made in the complaint has been substantiated either wholly or partly..." Otherwise, the Lokpal has to submit a report in writing. He has to "communicate his findings and recommendations to the competent authority (the Governor) and intimate the complainant and the public man concerned about his having made the report." The competent authority has then to take action in the matter.

(16) Section 18 provides for confidentiality of information. It *inter alia* says that "any information obtained by the Lokpal or by any officer, employee or..., in the course of or for the purpose of any verification or inquiry under this Act, and any evidence recorded or

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verification or inquiry under this Act, and any evidence recorded or collected in connection therewith shall be treated as confidential and, notwithstanding anything contained in the Indian Evidence Act, 1872 no court shall be entitled to compel the Lokpal or any such officer... to give evidence relating to such information or to produce the evidence so recorded or collected." Cl. (2) is significant. It produce that :—

- (2) Nothing in sub-section (1) shall apply to the disclosure of the information or evidence referred to therein—
  - (a) for the purpose of this Act or for the purposes of any action or proceedings to be taken on any report under S. 16, or
  - (b) for the purposes of any proceedings, for any offence of giving or fabricating false evidence under the Indian Penal Code, 1860, or
  - (c) for such other purposes, as may be prescribed.

(17) The above provision clearly contemplates a limited protection against compulsion to produce evidence. In cases covered by Cl. (2), no confidentiality can be claimed.

(18) Section 21 deals with the power of the Lokpal to try certain offenses summarily. In case it appears to the Lokpal at any stage of the proceedings that "any person appearing in such proceedings (has) knowingly or willfully given false evidence or had fabricated false record with the intention that such evidence shall be used in such proceedings", he may "if satisfied that it is necessary and expedient in the interest of justice that the person should be tried summarily... take cognizance of the offense and may after giving the offender a reasonable opportunity of showing cause and adducing evidence as to why he should not be punished for such offense, try such offender summarily, so far as may be, in accordance with the procedure specified for summary trials under the Code of Criminal Procedure 1973 and sentence him to imprisonment for a term which may extend to one month, or to fine which may extend to five hundred rupees, or with both." He can also "cause the offender to be detained in custody..." Such a person is entitled to appeal to the High Court. Similarly, Section 22 provides for the initiation of proceedings against a person who makes a false complaint by the Public Prosecutor under the direction of the Lokpal to the Court of Session. If found guilty, the person can be punished with imprisonment for a term which may extend to one-year and fine upto Rs. 5000.

(19) On a perusal of the provisions it is clear that the Lokpal has the power to inquire into the allegations against public men. He has to conform to the principles of natural justice. He has to give reasons

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for his orders. He has to communicate his findings and recommendations to the competent authority. The proceedings are 'judicial.' On the basis of the report and the recommendation of the Lokpal, the competent authority can take action against the public man concerned. Such an order can have serious consequences for the public man. Similarly, in a case where the complainant is found to have made false allegations, his own credibility would be at stake. In the end, the result can be devastating for the public man whose conduct has been found wanting or for the complainant who fails to prove his allegations. Even the individual who appears to give evidence can face problems.

(20) It is with these provisions in view that the question as posed at the outset has to be answered. In a nutshell, the issue is—Can the report about the conduct of the public man be kept under a cover? In other words—Is the complainant who has made allegations, paid the requisite fee, spent time, money and energy in producing evidence, not even entitled to know as to why his complaint has been rejected? Should he not get a copy of the report, which may be based solely on his testimony? Should he not, in a given case, be even entitled to show that the evidence clearly proves the allegations and that the findings are perverse? Would secrecy promote any public interest?

(21) It was contended on behalf of the respondents that the proceedings have to be held in camera. The evidence has to be kept confidential. Thus, the report of the Lokpal cannot be seen even by the complainant. Is it so?

(22) The issue may first be examined with reference to the provisions of the Act. As already noticed, Section 12 *inter alia* provides that "the Lokpal shall dismiss the complaint after recording his reasons and communicate the same to the complainant and to the competent authority concerned." This provisions relates to the order passed after the preliminary scrutiny and verification of allegations. In a given case, the Lokpal can take the view that the complaint is frivolous or vexatious. He can also reach the conclusion that the complaint has not been made in good faith. Such a conclusion may be in conformity with the evidence collected at the stage of verification of the allegations as made in the complaint or contrary thereto. Yet, it has to be conveyed to the complainant. Even the reasons for arriving at the finding have to be made known to the person concerned. This provisions clearly militates against the contention raised by the counsel for the respondents.

(23) A reference to Section 16 of the Act is also instructive. It provides that if all or any of the allegations have been substantiated

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either wholly or partly, the Lokpal shall “communicate his findings and recommendations to the competent authority and intimate the complainant and the public man concerned about his having made the report.” Does it mean that the report has to be kept back from the complainant? We think—Not.

(24) The proceedings before the Lokpal are judicial. The evidence in the very nature of things has to be recorded in the presence of the complainant and the public man. Both would be aware of the evidence recorded during the proceedings. They may even have copies for an effective cross-examination, preparation of defence and final arguments. So, even though the proceedings may be held in camera and the evidence is treated as confidential, nothing would be hidden from the parties.

(25) Still further, action on the report has to be taken by the competent authority. However, keeping in view the interests of the parties viz. the complainant and the public man, it would be necessary for the authority to hear both sides before taking any further action. This would be the requirement of the principles of natural justice. For this purpose, it would be essential that both sides have the entire record. In the very nature of things, it would be imperative to give them all the documents etc. S. 18 also gives a clear clue in support of this conclusion.

(26) The provision for proceedings in camera is not something unknown to law or the law courts. In matrimonial causes, the courts conduct proceedings in chambers. Away from public gaze. Yet, the orders are not kept back from the parties. They are not denied access to the evidence or the judgment. It is no doubt true that the Act requires that the evidence shall be treated as confidential. The purpose is to protect the parties against unwarranted criticism by the public. However, the mere fact that the evidence is confidential cannot imply that even the report has to be shielded from public view. If the legislature had intended that the report or the order shall be treated as secret and that a copy thereof shall not be made available to even the complainant, it could have said so specifically. In the absence of a specific provision debarring the complainant from getting a copy, we are not inclined to add to the provision or to read a bar into it which the legislature has not provided.

(27) Let us examine the case of the touchstone of fair play and public interest. Would secrecy serve any purpose or promote public good?

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(28) Today, the country faces an acute crisis of character. There is a rampant devaluation of values. In the morning we pray. On our knees. Thereafter, we look for a prey. There is crude criminality. Rampant corruption. A spiritual impoverishment. It is to meet the prevailing situation that the Legislature has provided for the appointment of a Lokpal. The purpose is to restore the lost confidence in public mind about public men. Will it be possible to do so by keeping everything confidential ?

(29) A public man with a flexible conscience or licentious principles might die unlamented. But he cannot live unseen. Nor can his deeds remain unknown. Then, why should there be a cover on the dark deeds ? Sunlight is the best antiseptic. Degree of deference for a person should depend upon an open display. Not on disguise. Candor has always been the pride of man. Nobody looks at a lantern without light.

(30) In a free society like ours, nothing can be so oppressive as a secret about a public man. Mystery unduly magnifies matters. Haze adds an enchantment to the pursuit. A veil cannot hide the villain. Nor his villainy. In certain situations, decorum might dictate a diplomatic disguise. Even silence. But the more one tries to conceal, the more one reveals. The clever shall always try to conceal their cleverness. But an effort to hide would never make a public man, a saint in the people's eye. His deeds would speak.

(31) Why does the Act provide that the proceedings shall be held in camera or that the evidence shall be treated as confidential ?

(32) Of 'all the cantings in this canting world', the cant of criticism is the cruelest. Crows might spare men. Not the critics. They would rarely commend anyone. And making complaints is a national pastime. People can make complaints that may be wholly false. Mere filing of complaint is no proof of misconduct. Consequently, the legislature has provided that there shall be no public trial. The evidence shall be confidential. Thus, the public man and his reputation are protected. But only till the end is reached. Not after the enquiry has been completed. The Act provides for secrecy only till the secret is out. Till the truth is known. Not thereafter.

(33) The statute places no cloak or cover of confidentiality on the final conclusions recorded by the Lokpal. It does not either expressly or by necessary implication say that the report shall not be revealed. It does not treat secrecy as sacred beyond the stage of enquiry. The reason

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is obvious. If a person is honest, the people should know it. If he is not honest, the Lokpal should not hide it. The truth must triumph. The Act gives a limited protection. Thereafter, it lets the individual's deeds dig his grave.

(34) The counsel for the respondents referred to the decisions of their lordships of the Supreme Court in (*Akshoy Konaal vs. State of West Bengal*) (1), and in (*A.K. Roy vs. Union of India*) (2), for the sustenance of the plea for maintenance of secrecy.

(35) We have considered these decisions. In Akshoy Konaal's case the court was dealing with the detention of the citizen under the Maintenance of Internal Security Act, 1971. The contention was that the "Advisory Board should have communicated its opinion to the petitioner so as to enable him to question its legality." Their Lordships were pleased to hold that the plea was 'misconceived' *inter alia* for the reason that "the advisory opinion of the Board is merely intended to assist the appropriate Government in determining the question of confirming the detention order and continuing the detention." Still further, their lordships noticed S. 11 (4) of the Act and observed that the "provision clearly indicates that the advisory opinion is never intended to be open to challenge on the merits before any tribunal. So far as the final opinion of the Board is concerned the confirmation of the detention order by the State Government clearly informed the petitioner that the opinion of the Board was against him."

(36) Similarly, the latter case related to the interpretation of the provisions of National Security Act, 1980. The contention that the 'proceedings of the advisory Board be thrown open to the public' was rejected on the ground that "right to a public trial is not one of the guaranteed rights under our Constitution as it is under the 6th amendment of the American Constitution..."

(37) The respondents can derive no advantage from these decisions wherein the provisions of the statutes dealing with national security have been considered. There would be good and valid reasons for secrecy in matters of security. Not in cases relating to the integrity of men in public life. They must pass through fire to prove their purity. To clear all misgivings.

(38) It must also be mentioned that the counsel for the

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(1) AIR 1973 SC 300

(2) AIR 1982 SC 710

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petitioner placed reliance on the decision of the Constitution Bench in (*State of U.P. vs. Raj Narain*) (3), to contend that the report must be revealed. Reference was made to the following observations :—

“(74) In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security.... To cover with veil of secrecy, the common routine business, is not in the interest of the public. Such secrecy can seldom be legitimately desired for the purpose of parties and politics or personal self-interest or bureaucratic routine. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption.”

(39) The observations lend full credence to the contention of the learned counsel. Resultantly, the question as posed at the outset is answered in favour of the petitioner. It is held that the report cannot be canceled from the complainant.

(40) Mr. Pipat submitted that the petitioner shall give undue publicity to the report. He would defame the respondent. In particular, the counsel submitted that the report regarding the petition had appeared in the press. Thus, the learned counsel contended that the petitioner should not be given a copy of the report recorded by the Lokpal.

(41) We are unable to accept the contention. The petitioner has a right to know as to why his allegations have been rejected. He is entitled to see the reasons, which may have weighed with the Lokpal. In any case, the fear of adverse publicity in the petitioner's mind can be no ground for denying him the relief. In case the petitioner does something contrary to law, he will face the consequences. But the report cannot be kept back from him merely to allay the fear in the mind of the respondent. The petitioner has a right to information.

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(42) What is the factual position in the present case ? The report was produced. Certain portion was read out in court. A photocopy was provided in a sealed envelop.

(43) We have perused the report. It appears that the 4th respondent was "summoned to appear...but he avoided for sometime and then caused his appearance on 15th September, 1996..... Ultimately, the public man had filed his reply to the supplementary complaint on 9th March, 1998." Certain transactions are interesting. The speed with which the mutations etc. were sanctioned was noticed by the Lokpal. the concluding part of the report reads as follows :—

"Before, however, I conclude this report, I would like to point out that it is not a case of total smokelessness. It is one thing that the complainant has not been able to put forth positive evidence to prove the allegations against the public man, but under the smoke screen of the trail of events and transactions mentioned above, it can conveniently be spelled out even from the solitary statement of Dalbir Singh @ Pappi, R.W. 2 produced by none else than the public man, that all was not well when so much of Shamlat land, there being no partition at all amongst the shareholders of so many villages was sold for a song. According to Harpal Singh (or Dalbir Singh ?) @ Pappi RW, he arranged at least 80/90 sale deeds in one year, he not being even a registered or known property dealer, and, all of them for almost a particular sum of Rs. 1,60,000.00 each and in almost all of them, no money was paid by the alleged vendors to the alleged vendees before the Sub Registrar. In one sale deed, even though the transaction was for Rs. 2 lacs (for an acre) but the sale deed was got executed and registered by him only for a paltry sum of Rs. 8000.00.

Even though, the public man is not proved before me to be directly involved in these transactions, but it is not beyond the ken of one's experience that such like transactions cannot be completed without the patronage and staff of political bosses coupled with a feat of strength and skill."

(44) And despite the above, the Lokpal chose to "close the case and order the complaint to be filed for want of positive proof."

(45) At present, the court is not concerned with the propriety of the order. That is the responsibility of the competent authority. Does the case fall under S. 16 (a) or (b) ? A view has to be taken by the

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Authority under the Act. However, in this case the only issue before the court is - Should the complainant be denied a copy of the report ?

(46) We think not. Reason is simple. The Act does not treat the report as confidential. And we shall not read secrecy into areas left open by the statute. The legislature having not put the veil of confidentiality on the 'report', we think the petitioner was entitled to claim a copy. He should have been given. The respondents having wrongly denied it, we direct that they would give it forthwith.

(47) In view of the above, our conclusions are :—

1. We are passing through an era of dwindling values. The Lokpal Act, 1996, was enacted to restore people's faith in public men. The 'text and the context' have to be kept in view while construing its provisions.
2. The act, undoubtedly, provides that the proceedings shall be held in camera. It also envisages a limited confidentiality in respect of the evidence. However, it cannot be kept as a secret from the complainant and the public man.
3. The Act does not either expressly or even by necessary implication put any cloak of confidentiality on the report of the Lokpal consequently, its contents cannot be concealed from the complainant or the public man. They are entitled to a copy.

(48) In view of the above, it is held that the respondents had erred in denying a copy of the report to the petitioner. The impugned orders are set aside. The writ petition is allowed. The respondents are directed to supply a copy of the report immediately, No costs.

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**R.N.R.**

*Before Jawahar Lal Gupta and N.K. Sud, J*

**VIJAY SONI & OTHERS—Petitioners**

*versus*

**CHIEF COMMISSIONER, U.T., CHANDIGARH & OTHERS—  
Respondents**

**C.W.P. No. 16116 of 1999**

**11th May, 2001**