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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3201/2016

PAARDARSHITA PUBLIC
WELFARE FOUNDATION (NGO) Petitioner
Through Petitioner in person.

versus

CPIO, CPV DIVISION,
EXTERNAL AFFAIRS MINISTRY & ANR Respondents
Through Mr.Ajay Digpaul, CGSC with
Mr.Abhishek Khanna and Ms.Mohita,
Advocates for R-1.

% Date of Decision : 26th April, 2016

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petition has been filed challenging the order dated 04th March, 2016 passed by the respondent No.2-CIC whereby it dismissed the petitioner's appeal holding that respondent No.1-CPIO, Ministry of External Affairs, had provided the information sought for by the petitioner vide RTI application dated 03rd April, 2014 in accordance with Section 2(f) of RTI Act, 2005.
2. Petitioner, who appears in person, states that the petitioner is entitled to the information in response to all the queries raised by him. He also states that he is not satisfied with the response given to his queries by the respondent-Ministry of External Affairs.

3. Petitioner states that the impugned order has been passed in a mechanical manner. He further states that information qua the third party which is necessary for the interest of public at large cannot be declined/refused.

4. Since issue in the writ petition revolves around the queries, the same are reproduced hereinbelow:-

- “1. Kindly provide us the certified copy of list showing "The All Indian Diplomatic Passports issued to be MP's & Their Spouse Husband / Wife of Hon'ble Members of Parliament" Lok Sabha & Rajya Sabha for the period of 01-01-1985 to 3-4-2014.*
- 2. Kindly provide us the certified copy of list showing "The Visa Note Issued to All Indian Diplomatic Passports issued to the MP's & Their Spouse Husband / Wife / other Dependents of Hon'ble Members of Parliament" Lok Sabha & Rajya Sabha for the period of 01-01-1985 to 3-4-2014.*
- 3. Kindly provide us the certified copy of the Indian Diplomatic Passports Issued to the MP's & Their Spouse Husband / Wife of Hon'ble Members of Parliament, Lok Sabha & Rajya Sabha for the period of 01-01-1985 to 3-4-2014.*
- 4. Kindly provide us the certified copy of the Application Form for issuance of Indian Diplomatic Passports by the MP's & Their Spouse Husband / Wife of Hon'ble Members of Parliament, Lok Sabha & Rajya Sabha for the period of 01-01-1985 to 3-4-2014.*
- 5. Kindly provide us the certified copy of The Visa Note Issued to All Indian Diplomatic Passports issued to the MP's & Their Spouse Husband / Wife / other Dependents of Hon'ble Members of Parliament, Lok Sabha & Rajya Sabha for the period of 01-01-1985 to 3-4-2014.*

6. *Kindly provide us the certified copy of list showing the renewal of All Indian Diplomatic Passports Issued to the MP's & Their Spouse Husband / Wife of Hon'ble Members of Parliament" Lok Sabha & Rajya Sabha for the period of 01-01-1985 to 3-4-2014.*
 7. *Kindly provide us the certified copy of the all agreement signed between MEA / GOI with VFS for providing Visa Outsource Services to Indian Embassies / High Commissions for providing visa / passports deposit services to foreigners.*
 8. *Kindly provide us the approval & Notesheet of all service charges approved by MEA / GOI to take from Visa Seekers other than the Visa Fees prescribed by GOI/ MEA.*
 9. *Kindly provide us the details of all action taken against the VFS by MEA / GOI till 3-4-2014 on different findings / allegations / malpractices / overcharging / charges."*
5. Keeping in view the aforesaid, this Court is of the opinion that the queries asked for are very wide and omnibus and have been filed either to scandalise the institution of Parliament or to pressurise Ministry of External Affairs officials. In ***Shail Sahni vs. Sanjeev Kumar & Ors., W.P.(C) 845/2014***, this Court held that, *"keeping in view the width and amplitude of the information sought by the petitioner, it is apparent that the prayers in the writ petition are nothing short of an abuse of process of law and motivated if not an attempt to intimidate the respondent....."*
6. In fact, the Supreme Court in ***ICAI vs. Shaunak H. Satya, (2011) 8 SCC 781*** has held as under:-

"39. We however agree that it is necessary to make a distinction in regard to information intended to bring transparency, to improve accountability and to reduce corruption, falling under Sections 4(1)(b) and (c) and other information which may not have a bearing on accountability or

reducing corruption. The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and the Government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources.”

(emphasis supplied)

7. This Court is also of the view that petitioner’s queries pertain to third parties and disclosure of information in the present case would cause unwarranted invasion of privacy of those third parties. This Court in ***Union of India vs. R. Jayachandran, W.P.(C) 3406/2012*** has already held that a Passport number is not only a personal information, but also an identification proof, specifically when one travels abroad. It was also held in the said case that if a Passport number of a third party is furnished to an applicant, it could be misused. For instance, the applicant could lodge a complaint with the police that a Passport bearing a particular number is lost and the Passport Authority would automatically revoke the same without knowledge and to the prejudice of the third party.

8. At this stage, petitioner states that he has raised these queries because some Members of Parliament have misused the facility of Diplomatic Passport issued to their spouses to ‘smuggle/leave’ people abroad. He further states that if the information asked for is provided then the illegal acts and deeds of the officials of the respondents would be established.

9. Upon a perusal of the paper book, this Court finds that there is no allegation or averment either in the writ petition or in the appeals filed by the petitioner that Members of Parliament have misused the facility of Diplomatic Passport issued to their spouses. Consequently, the said allegation is not taken into account.

10. This Court is further of the opinion that in the event the petitioner is dissatisfied with the response to the queries, he has remedies under the Right to Information Act, which he should invoke rather than filing a writ petition. Consequently, this Court deems it appropriate to refuse to exercise its writ jurisdiction. Accordingly, present petition is dismissed.

APRIL 26, 2016
KA/js

MANMOHAN, J

