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

+ **W.P.(C) 5204/2017**

HARKRISHAN DAS NIJHAWAN Petitioner
Through Petitioner in person

versus

CPIO SPECIAL BRANCH, DELHI POLICE
AND ORS Respondents
Through Mr. D. Rajeshwar Rao and
Mr. Gyanendra Chaturvedi, Advocate
for R-1
Mr. Rahul Sharma, Sr. Standing
Counsel with Mr. C.K. Bhatt,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.07.2017

1. The present petition has been filed, *inter alia*, impugning the order No.CIC/SB/C/2016/000207 dated 18.01.2017 (hereafter 'the impugned order') passed by the Central Information Commission (CIC). The petitioner has sought personal particular forms of certain passport applicants as the petitioner claims that those persons are not citizens of India but have immigrated from Afghanistan. The petitioner also alleges that there has been gross irregularity in issuance of passports to those persons as the address indicated therein does not exist.

2. By the impugned order, the CIC has directed the Central Public Information Officer (CPIO) of the Regional Passport Office (Respondent No.2) to provide the personal particular forms in respect of certain passport

applicants mentioned in the application moved by the petitioner under the Right to Information Act, 2005 (hereinafter 'the Act') after redacting the personal details of the said applicants.

3. In compliance with the said order, the respondent no.2 has provided the passport application forms after blackening out all personal details including the addresses of the said passport applicants.

4. Petitioner states that the information sought by the petitioner was in a larger public interest as according to him, the said passports were issued to Afghan nationals without any police verification (although a fraudulent police verification was shown to have been done). It is also claimed that the addresses provided were non-existent. The petitioner's grievance is that he is unable to verify the same as the addresses of these applicants were blackened out.

5. This Court is not persuaded to interfere with the order passed by the CIC as it is well established that the personal details of third parties available with a public authority cannot be furnished under the Act. Thus, the CIC has rightly directed that all the personal details of the passport applicants be blackened out.

6. This Court, in a number of decisions, has underscored the importance of ensuring that personal information, as furnished and maintained with the public authorities, are required to be kept confidential.

7. However, before concluding, it is also relevant to mention that in terms of Section 11 of the Act, if the CPIO intends to disclose confidential

information, he can do so by obtaining the necessary approval of the concerned person(s) whose personal details are sought for. The opening sentence of Section 11 of the Act indicates that this procedure is to be followed only in cases where the CPIO intends to disclose the information and such was not the situation in the present case. Thus, the CPIO would have to examine whether the information sought for is within the ambit of larger public interest and if so, the CPIO may take recourse to Section 11 of the Act and disclose such information after due notice to the third party(ies) and after taking into account their objections, if any.

8. In view of the above, this Court leaves it to the discretion of the CPIO to ascertain whether there is a larger public interest involved in the present matter, and if so, he may follow the procedure prescribed in Section 11 of the Act. This is particularly relevant in the context of the addresses of the passport applicants since the petitioner asserts that those addresses are non-existent.

9. The present petition is disposed of with the above observations.

VIBHU BAKHRU, J

JULY 19, 2017

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