



\$~15

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

+ **W.P.(C) 13319/2018**

HARKRISHAN DAS NIJHAWAN

.....Petitioner

Through: Petitioner in person

versus

CPIO, SPECIAL BRANCH OF DELHI POLICE & ANR

.....Respondents

Through: Ms. Hetu Arora Sethi, ASC for
GNCTD with Mr. Siddharth Agarwal,
Advocate
Insp. Ashok, ASI Arun Kumar
Chauhan, ASI Ram Kumar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.10.2024

%

1. The Petitioner has preferred the present writ petition assailing the order of the Central Information Commission¹ dated 4th May, 2018², whereby the information sought by the Petitioner under RTI application dated 24th May, 2017 was denied on the basis of Section 8(1)(d) of the Right to Information Act³.

2. The Petitioner had filed the said RTI application seeking *inter-alia* the personal particular forms for the physical passport verifications issued by Delhi Police Special Branch Officials in respect of 27 alleged foreign nationals.

¹ "CIC"

² "Impugned order"

³ "RTI Act"



3. On this issue, attention of this Court has been drawn to an order dated 19th July, 2017 passed in an earlier writ petition filed by the Petitioner being W.P.(C) 5204/2017 titled as ***“Harkrishan Das Nijhawan vs. CPIO Special Branch, Delhi Police and Ors.”***. The said writ petition was filed by the Petitioner challenging an earlier order of the CIC. In that order, the CIC, on the Petitioner’s request, directed the CPIO of the Regional Passport Office to disclose the personal particulars of certain passport applicants, albeit after redacting their personal details. However, the Petitioner was dissatisfied with the decision to provide redacted information, as it did not fully address his grievance. The Petitioner contended that the disclosure of complete and unredacted information was necessary in the larger public interest. He argued that the addresses provided in the passport applications were non-existent, and without access to the personal information of the applicants, he would be unable to verify the accuracy of the provided details.

4. However, this Court declined to interfere with the decision of the CIC, holding that it is well established that the personal details of third parties, held by a public authority, must remain confidential and are exempted from disclosure under the RTI Act. Thus, the ruling emphasized that such information falls under the purview of privacy protection, and unless an overriding public interest is demonstrated, the disclosure of personal data is not permissible.

5. At the same time, the Court acknowledged that Section 11 of the RTI Act provides the CPIO with discretion to consider the disclosure of third-party information, particularly when a larger public interest is at stake. The Court noted that if the CPIO deems it necessary to release such information, they are empowered to do so by following the procedure set out in the Act



— specifically, by seeking the consent of the individuals whose personal details are being requested.

6. Having regard to the abovementioned decision, and identical factual background, in the opinion of this Court, the present writ petition can also be disposed of on similar terms.

7. Accordingly, in light of the above, the writ petition is disposed of with the following directions:

(a) The CPIO, Special Branch of Delhi Police is directed to provide the personal particular forms for physical passport verifications related to the passport applications mentioned in the RTI application dated 24th May, 2017, ensuring that all personal details of the applicants are appropriately redacted.

(b) It is further clarified that the CPIO, Special Branch of Delhi Police, may exercise its discretion to determine whether there exists a larger public interest in the disclosure of the requested information. Should such an interest be identified, the CPIO is at liberty to follow the procedure laid out in Section 11 of the RTI Act, which entails notifying the concerned third parties and obtaining their consent, prior to releasing the redacted information. This is particularly significant in light of the Petitioner's assertion that the addresses provided by the passport applicants are non-existent and require verification, thus raising a potential concern of larger public interest.

8. With the above directions, the present writ petition is disposed of.

SANJEEV NARULA, J

OCTOBER 15, 2024/ab