

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/A/2015/000476

Dated 02.12.2016

Appellant : Ms. Tahmina Laskar,
55-A, Siddharth Chambers,
4th Floor, Kalu Sarai,
New Delhi-110016.

Respondent : Central Public Information Officer,
Delhi Police, O/o DCP,
East District, Mandawali,
Fazalpur, Delhi.

Date of Hearing : 02.12.2016

Relevant dates emerging from the appeal:

RTI application filed on : 31.03.2015

CPIO's reply : 05.05.2015

First appeal filed on : 07.07.2015

FAA's order : 04.08.2015

Second appeal filed on : 02.11.2015

ORDER

1. Ms. Tahmina Laskar filed an application dated 21.05.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), O/o DCP, East District, Delhi Police seeking information on (a) number of persons arrested between 01.03.2015 and 08.03.2015 by the police personnel of (i) P.S. Vivek Vihar (ii) P.S. Madhu Vihar (iii) P.S. Preet Vihar (iv)

P.S. Kalyan Puri and P.S. Gandhi Nagar on a day-wise basis and (b) certified photo copies of arrest memos (front and back page) issued in relation to all arrests made from 01.03.2015 and 08.03.2015 in relation to the above police stations.

2. The appellant filed a second appeal dated 02.11.2015 before the Commission on the grounds that the CPIO denied the information on point (b) of the RTI application under section 8(1)(h) of the RTI Act, 2005 and that the First Appellate Authority (FAA) rejected her appeal and upheld the decision of the CPIO. The appellant states that the reasons for obstructing her right to information under Section 8(1)(h) of the RTI Act has not been specified and information has been denied simply on the basis that such disclosure would be an impediment to the process of investigation and prosecution of offenders. The appellant also states that the PIO has failed to give the reasons as to how the information, if disclosed would impede the process of investigation. The appellant also requested the Commission to set aside the order of the FAA and direct the PIO to supply the information sought by her as soon as possible.

Hearing:

3. The appellant Ms. Tahmina Laskar was not present despite notice. The respondent Shri Radha Raman, ACP, Eastern Range, Delhi Police was present in person.

4. The respondent submitted that the appellant had sought information on two points in the RTI application with regard to the number of persons arrested from 01.03.2015 to 08.03.2015 by various PS of East District, Delhi Police along with the certified copies of the arrest memos. The respondent further submitted that information in point no. 1 of the RTI application has been provided to the appellant by the respondent vide letter dated 05.05.2015. The respondent with regard to point no. 2 of the RTI application, submitted that copies of the arrest memos cannot be given as the same contains personal

information of third party, the disclosure of which would not serve any larger public interest. Hence, the same is exempted from disclosure under Section 8(1)(j) of the RTI Act. The respondent also clarified that due to oversight Section 8(1)(h) was mentioned instead of Section 8(1)(j) of the RTI Act in the reply furnished by the CPIO.

Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, observes that the information on point no. 1 of the RTI application has been provided to the appellant. With regard to point no. 2 of the RTI application, the Commission agrees with the respondent that the arrest memos may contain information pertaining to personal information of third party, the disclosure of which would not serve any larger public interest. Hence, the information sought in point no. 2 of the RTI application is exempted from disclosure under Section 8(1)(j) of the RTI Act.

6. With the above observations, the appeal is disposed of.

7. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer