

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/RK/A/2016/001397

Dated 20.07.2017

Appellant : Shri Deepak
A. K. R. A. 87, Chitra Lane, Palace Road,
Alwaye, Ernakulam, Kerala- 683101

Respondent : The Central Public Information Officer
(CPIO), Superintendent of Police, Union
Territory of Lakshadweep, Kavaratti Island

Date of Hearing : 20.07.2017

Relevant dates emerging from the Appeal:

RTI application : 08.01.2016
CPIO's Reply : 10.02.2016
First Appeal : 17.02.2016
FAA's Order : 16.03.2016
Second Appeal : 10.05.2016

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Superintendent of Police, Union Territory of Lakshadweep, seeking copies of the "Purple Notices" bearing their Event No., Control No., NCB reference which were published during the period from 01.09.2014 to 31.12.2014 along with the related "E Series Notices" and their related "Modus Operandi (MO) Sheets".

2. The appellant filed a second appeal before the Commission on the grounds that he was not satisfied by the information furnished by the CPIO as he was informed that no “Purple Notices” were issued in Lakshadweep. The appellant is also aggrieved with the Order of the First Appellate Authority (FAA) which had upheld the reply of the CPIO. The appellant requested the Commission to direct the CPIO to provide the information sought for.

Hearing:

3. The appellant Shri Deepak and the respondent Shri Mayank Bansal, Deputy Superintendent of Police and CPIO, Union Territory of Lakshadweep, attended the hearing through video conferencing.

4. The appellant submitted that he was not satisfied by the information furnished by the respondent, in response to his RTI application. The appellant further submitted that through his RTI application he had sought copies of the Purple Notices issued by the International Police Organization (INTERPOL). However, in the reply furnished by the CPIO dated 10.02.2016, it was stated that no Purple Notice had been issued in the Union Territory of Lakshadweep. Hence, there was an incongruity between the information sought and the information furnished by the respondent.

5. The respondent submitted that vide the CPIO’s reply dated 10.02.2016 the appellant was informed that no “Purple Notices” were issued in the Union Territory of Lakshadweep. The respondent further submitted that the Purple Notices are issued by the INTERPOL to seek or provide information on the modus operandi, the devices and the concealment methods used by the criminals. Besides, the Purple Notice is a confidential document held by them in a fiduciary capacity and is, therefore, exempted from disclosure under Section 8 (1) (a) and (e) of the RTI Act, as it would adversely affect the Strategic and Security interests of the country. The respondent also stated that the INTERPOL disseminates the public versions of the Purple Notices on their official website for the information of the public.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, notes the respondents' submissions that the information sought by the appellant is held by them in a fiduciary capacity and is a confidential document, the disclosure of which would adversely affect the Strategic and Security interests of the country. In view of this, the Commission observes that the information sought by the appellant is exempted from disclosure under Section 8(1) (a) and (e) of the RTI Act. Hence, information cannot be provided to the appellant.

7. The Commission also takes note of the respondents' submission that the INTERPOL disseminates the public versions of the Purple Notices on their website for the information of the public. The Commission further observes that since the public versions of the Purple Notices are easily available in the public domain on the official website of the INTERPOL, then the information is no longer held by or under the control of any public authority and hence, is no longer accessible as 'right to information'.

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

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

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(S.S. Rohilla)
Designated Officer