

**OFFICE OF THE
FIRST APPELLATE AUTHORITY-CUM-
SUPERINTENDENT OF POLICE (CRIME), CID,
HIMACHAL PRADESH, SHIMLA-171002.**

No. CID/Crime/RTI/Appeal/Dr. Rachna/2023-(04)-

Dated

Appellant:

Dr. Rachna Gupta, R/o 3 Harwington, Keluston, Shimla-171001.
Vs.

Public Information Officer:

The Public Information Officer-cum- Addl. Superintendent of
Police, (SCRB), H.P., Shimla-171002.

"ORDER"

This appeal has been preferred by Dr. Rachna Gupta, R/o 3 Harwington, Keluston, Shimla - 171001, Himachal Pradesh (hereinafter called 'the Appellant') on the grounds that the Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla, has not provided the information sought by her under Right to Information Act, 2005. This is 1st appeal, filed by the appellant received to undersigned on 02-11-2023.

It is submitted that Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla, had received an application of Dr. Rachna Gupta, R/o 3 Harwington, Keluston, Shimla-171001, Himachal Pradesh under Right to Information Act, 2005 on 21-09-2023 for providing information. It was found that the information as desired by the applicant was pertaining to third party and subsequently, a third party notice was also issued to i.e. Sh. Dev Ashish Bhattacharya, B-5, Pocket-7, Kendriya Vihar-II, Block-82, Noida, Uttar Pradesh-201304 vide this office letter no. CID/RTI/Dev Ashish Bhattacharya/2023-2705 dated 25-09-2023 whether the information/records asked by the applicant should be disclosed or not? The third party has submitted his written reply stating that the identity of the RTI applicants are supposed to be kept secret by the offices of the Public Authorities because of the safety of their lives. No citizen has a right to know through the RTI that which citizen has filed which RTI application and got what information. Accordingly, the reply to the RTI application was provided to the appellant vide letter no. CID/Crime/RTI/Dr. Rachna/2023-2958 dated 12-10-2023.

The appellant feeling aggrieved that no information was provided by Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Himachal Pradesh, Shimla, therefore, preferred first appeal.

The hearing of appeal was fixed on 18-11-2023, Dr. Rachna Gupta (i.e. Appellant) was not present during the hearing and the next hearing of the appeal was again fixed on 23-11-2023. Dr. Rachna Gupta (i.e. Appellant) and Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla were present during the hearing fixed on 23-11-2023. The Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla, submitted two copies of reply related to the first appeal of Dr. Rachna Gupta and stated that on perusal of records/documents, written submission made by third party and keeping in the view the directions passed by the Hon'ble High Court of Kolkata in the order dated 20-11-2013 in Writ Petition No. 33290/2013 in the case of Mr. Avishek Goenka Vs Union of India wherein it has been observed that authority can take appropriate measure to hide information with regard to personal details of the activist to avoid any harassment by the persons having vested interest. The Hon'ble Bombay High Court in the Writ Petition (L) No. 2678 of 2020 in the case of Saket S Gokhale Vs. Union of India has also cautioned of the intimidatory tactics against the RTI applicants, therefore, revealing personal details of the RTI applicants may make them vulnerable. The Hon'ble Bombay High Court has also made following observation regarding disclosure of personal details of RTI applicants:-

"The issue also travels beyond the individual breach of the privacy of the applicant and potential likelihood of a risk. It is the impact on future applicants".

The Ministry of Personnel, Government of India has also issued office memorandums on 21-10-2014, 23-03-2016 and 07-10-2016 in this regard. The office memorandum dated 07.10.2016 is relevant, which reads thus:

"All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest".

In view of above, the disclosure of this information would cause unwarranted invasion of the privacy of the individual. The third party has also denied the disclosure of information in his submission as it may cause harm to him. Moreover, the disclosure of the information would not serve a larger public interest. Hence, the information was not supplied to the applicant under Section 8(1)(e) being information available in fiduciary relationship and 8(1)(j) of the Right to Information Act, 2005 being third party personal information.

I have gone through the appeal and the records on the file. The Public Information Officer has replied after examining the records, submission made by third party, keeping in the view the directions passed by the Hon'ble High Court of Kolkata in the order dated 20-11-2013 in Writ Petition No. 33290/2013 in the case of Mr. Avishek Goenka Vs Union of India, Hon'ble Bombay High Court in the Writ Petition (L) No. 2678 of 2020 in the case of Saket S Gokhale Vs. Union of India and Office Memorandums issued by Govt. of India, Ministry of Personnel on 21-10-2014, 23-03-2016 and 07-10-2016 in this regard.

Keeping in view of the above facts and circumstances in the instant case, the Public Information Officer has intimated the appellant that the desired information can't be supplied under Section 8(1)(e) and 8(1)(j) of Right to Information Act, 2005. In these circumstances, there is no justification for interfering with the decision of the Public Information Officer.

The appeal of Dr. Rachna Gupta, R/o 3 Harwingon, Keluston, Shimla-171001, Himachal Pradesh is disposed off accordingly.

Announced, certified copies of this order may be sent to the appellant Dr. Rachna Gupta and Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla.

In case the appellant is not satisfied with this order, she may file an appeal within ninety days from the date on which the decision has been made or was actually received, before the 2nd Appellant Authority-cum-State Information Commissioner, Himachal Pradesh, Keonthal Commercial Complex, Khalini, Shimla-171002.

(Padam Chand), IPS
1st Appellate Authority-cum-
Superintendent of Police (Crime),
CID, Himachal Pradesh, Shimla-2
Telephone No. 0177-2622140
E-mail:- sp-cr-hp@ nic.in

Endst. No. CID/Crime/RTI/Appeal/Dr. Rachna/2023-(04)-3898-3900 Dated 25-11-23

Copy is forwarded to:-

1. Dr. Rachna Gupta, R/o 3 Harwingon, Keluston, Shimla-171001, Himachal Pradesh, for information.
2. Public Information Officer-cum-Addl. Superintendent of Police (SCRB), CID, Shimla for information.
3. Incharge, SCRB (for uploading the same on H.P. Police website).

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