

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Information Commissioner

CIC/SA/A/2014/001250

Mr Baladevan Rangaraju v. PIO, Delhi Commission for Women, GNCTD

Important Dates and time taken:

RTI: 18.02.2014	Reply: 24.03.2014	Time: ---
FAA: 16.04.2014	FAO: ---	Time: ----
SA: 13.08.2014	Hearing: 03.03.2015	Decision: 03.03.2015
Result: Appeal disposed off		

Parties Present:

1. The appellant is present with Shri Siddharth Mohanty. The public authority is represented by Shri Gautam Majumdar, Asstt Secy. Delhi Commission for Women and Shri Shubra Mendiratta, Advocate.

Information sought:

2. Appellant through his RTI application sought for information in relation to the rape cases referred to DCW without revealing their name or identity namely, Case identification, Educational background of the victim, Thana where the case is registered, migrant status of the victim and also sought for information maintained by DCW with regard to the accused.

PIO response:

3. PIO stated that the information sought cannot be furnished in view of Sec 2 (j) of the RTI act.

Ground for First Appeal:

4. Non-furnishing of information as per the RTI Act.

Ground For Second Appeal :

5. That the PIO be directed to furnish the information as per the RTI act

Proceedings Before the Commission:

6. Appellant submitted that he was seeking the information for the purpose of his research. He stated that before filing the RTI application he had personally requested the secretary of the department, who after knowing the purpose, refused to furnish. Appellant also stated that the information sought had to be maintained by the department as per Delhi Commission for Women Act, 1994. Though he assured not to reveal names of victims, he alleged that he was not given the information.

7. Respondent officer submitted that the detail as maintained by them in a general form was furnished to the appellant and stated that further information could not be provided as it would involved infringing the right of privacy of the accused and the victim.

8. The officers from Respondent Authority expressed concern for privacy of victims and contended that it was not possible to separate the names of victims from various documents including MLC reports.

9. The Commission observes that the records relating to rape victims cannot be totally blocked from sharing with for research purposes on the ground of personal information under Section 8(1)(j). When it is possible to separate information that can be given from that cannot be given, the PIO has to invoke doctrine of severability to facilitate the information.

10. The Commission finds that it is not proper on the part of appellant to seek analyzed and categorized data from the respondent authority which amounts to creation of readymade research information for his utility. It is for him to do that data analysis and he cannot throw that burden on the respondents. He has to ensure safety of records, privacy and safeguard the information taken from misuse.

Decision:

11. Having heard the submission and perused the records, the Commission **directs** the respondent authority to facilitate inspection of the records to the authorized female representatives of the appellant with an assurance that they shall not bring any electronic device like video-recorder, mobile, camera etc, block out the names and personal details of the victim and accused by whitener on the photostat copies. After that, each paper shall be verified by the respondent authority to ensure nowhere victims name and private details are revealed before certifying. The appellant is directed to enter a non-disclosure agreement with an undertaking that he/his representative will not reveal the information about the personal detail of the victims and the accused and that they shall be responsible for any such revelation through the documents shared. The appellant is made aware of the fact that any such disclosure of personal details of victims would not only result in the breach of the undertaking but also an offence under Indian Penal Code. It shall be the responsibility of the respondent authority to secure the records, and the appellant shall share the copy of research report with the Women's Commission and this Commission. The commencement of inspection of the records for research subject to above referred conditions shall commence within 10 days of receipt of this Order.

12. The commission Orders accordingly.

Sd/-

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(Babu Lal)
Deputy Registrar.

Address of the parties :

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IP Estate, New Delhi-110002.
2. Shri Baladevan Rangaraju,
M-111, first Floor, Saket,
New Delhi-110017.