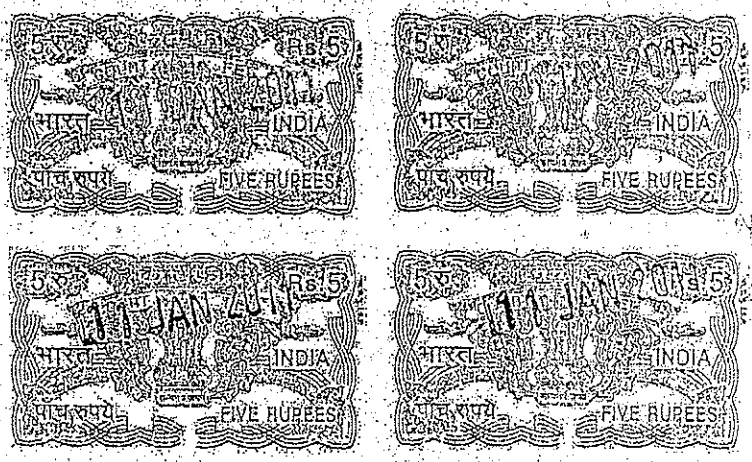


ANNEXURE P/3

From:
 Shri Mehmood M. Abdi
 A-901, Meera Towers,
 Oppo. Mega Mall,
 Oshiwara,
 Andheri (west),
 Mumbai-400 058



To:
 Appellate Authority,
 Deputy Commissioner of Police (Preventive),
 Police Commissioner Office Compound,
 D.N. Road, Mumbai-400001

1.	Full name of the Appellant	Shri Mehmood M. Abdi
2.	Address	A-901 Meera Apartments, Oshiwara, Andheri West, Mumbai-400058
3.	Particulars of the State Public Information Officer	M. J. Sapkal Public Information Officer, Office of Assistant Commissioner of Police (Admin.), Crime Branch, Mumbai, Police Commissioner Office Compound, D. N. Road, Mumbai 400001.
4.	Date of receipt of the order appealed against	Monday the 20 th of December 2010
5.	Last date for filing the appeal	20.1.2011 within 30 days of the receipt of the decision/order impugned in the present appeal.
6.	The grounds for appeal	a. Because the public information officer has refused to provide information as sought for by the appellant vide his letter dated 3 rd December 2010 for the reason

Received
 [Signature]
 पोलीस उप आयुक्त
 वरिष्ठ शाखा (प्रतिबंध)
 व. अ. वि. मुंबई

[Signature]

that disclosure of such information is exempt under Section 8 (1) (g) of the Right to Information Act (hereinafter referred to as RTI Act). Appellant respectfully submits that the information as sought for by the appellant vide his letter dated 3rd December 2010 is not exempt from disclosure under Section 8 (1) (g) of the RTI Act. It is submitted that vide his letter dated 3rd December 2010 the appellant had sought information to the following effect :-

- A. Whether the Police Department has sent any communication to various government agencies including Income Tax, Enforcement Directorate and Department of Revenue Intelligence, regarding the threat perception to Mr. Lalit Kumar Modi.
- B. Inspection of the entire file(s) / documents relating to the communications sent by the Police Department to various Government Department (viz. Income Tax, Enforcement Directorate and Department of Revenue Intelligence) and take copies thereof.

It is submitted that the information as sought for in Para A and B above is not exempt from disclosure under Section 8 (1) (g) of the RTI Act inter alia for the following reasons :-

- 1) Under Section 8 (1) (g) of the RTI Act, disclosure of information of two kinds is exempted first, "Information the disclosure of which

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	<p>would endanger the life or physical safety of any person" two " or identify the source of information or assistance given in confidence for law enforcement or security purposes."</p> <p>II) The information as sought for by the appellant by no stretch of imagination would fall under any of the categories envisaged in Section 8 (1)(g) of the Act. It is submitted that the information sought for in para A above is only a request to confirm or deny if the Police has sent any communication to the various government agencies including Income Tax Department, Enforcement Directorate, Department of revenue intelligence etc. regarding the threat perception to the life of Shri Lalit Kumar Modi. It is submitted that such information sought for and disclosure thereof would not and can not endanger the life of or physical safety of any person. Similarly it would not identify the source of information or assistance given in confidence for law enforcement or security purposes.</p> <p>III) Similarly the information as sought for in para B above would also by no stretch of imagination fall under any of the categories as envisaged in Section 8 (1) (g) of the Act. Assuming for the sake of argument that such file contains the source of information or assistance given in confidence for law enforcement or</p>
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security purposes then such of the information could have been withheld from the appellant, but the communication issued by the Police to the various government agencies including the Income tax department, Enforcement Directorate and the Department of revenue intelligence about the threat perception to the life of Shri Lalit Kumar Modi would not contain such information as to the source of information and ought to have been provided to the appellant.

- b. The Public Information Officer has refused to provide information in reply to the application dated 3rd December 2010 for information without appreciating the fact that disclosure of such information is not exempt Under Section 8(1) (g) of the RTI Act or any other provision of the RTI Act.
- c. The subject matter of the information pertains to the details of communications sent by the Police Department to various Government Agencies viz. Enforcement Directorate, Regional Passport Office and Income Tax, regarding the threat perception to the life of Mr. Lalit Kumar Modi and disclosure of such information is not exempted under the provisions of the RTI Act.
- d. The Appellant had requested to be provided with copies of communications addressed by the Police Department on the threat perception to Mr. Lalit Kumar Modi's life. The same has not been

	<p>provided to the Appellant and the refusal to provide such documents and information is contrary to the provisions of RTI Act.</p> <p>e. The information has been refused to be provided by the Information Officer on the ground of Information if disclosed would endanger the life or physical safety of a person or identify source of information or assistance given in confidence for law enforcement or security purposes, under Section 8 (1) (g) of the Right to Information Act 2005. The refusal to provide information is completely misconceived and not satisfactory and therefore the appellant is constrained to file the present Appeal.</p> <p>f. The Appellant is concerned with communications of the Police Department to various Government Agencies only on the fact, whether there exists some threat perception to Mr. Lalit Kumar Modi. This information does not and cannot result in endangering the life or physical safety of either Mr. Lalit Kumar Modi or any other person and by no stretch of imagination can lead to the disclosure of source of any information given in confidence for law enforcement or security purposes.</p> <p>g. The Appellant submits that the information sought for also does not and cannot result in endangering the safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.</p>
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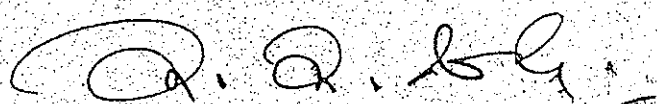
As per

		<p>h. The Appellant submits that the information pertaining to whether the Police Department has sent any communication to various government agencies including Income Tax, Enforcement Directorate and Department of Revenue Intelligence, regarding the threat perception to Mr. Lalit Kumar Modi does not fall within the scope of Section 8(1)(g) of the RTI Act.</p> <p>i. Without prejudice to the aforesaid, assuming for the sake of argument (whilst denying) if some parts of the information sought for by the Appellant may allegedly involve information which falls within the exemption of Section 8(1)(g) of the RTI Act, the rest of the information contained in the communications sent by the Police Department to various Government Agencies may be made available to the Appellant. The Appellant cannot summararily refuse to disclose information without giving full particulars of communications which may involve the bar under Section 8(1)(g) of the RTI Act.</p>
7.	Particulars of information	
	(i) Nature and subject matter of the information required:	<p>A. Whether the Police Department has sent any communication to various government agencies including Income Tax, Enforcement Directorate and Department of Revenue Intelligence, regarding the threat perception to Mr. Lalit Kumar Modi.</p> <p>B. Inspection of the entire file(s) /</p>

		documents relating to the communications sent by the Police Department to various Government Department (viz. Income Tax, Enforcement Directorate and Department of Revenue Intelligence) and take copies thereof.
	(i) Name of the Office or department to which the information relates	Office of the Assistant Commissioner of Police (Admn), Crime Mumbai

Place: Mumbai

Date: January 19, 2011



Signature of the Appellant