

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/C/2015/000071

Dated 28.09.2016

Complainant : Shri Buta Singh,
S/o Shri Gain Singh,
Vill. Butahari, Tehsil-Dehlon,
Distt. Ludhiana, Punjab

Respondent : Central Public Information Officer,
Directorate General of Sashstra Seema Bal,
East Block-V, R K. Puram,
New Delhi – 110 066

Date of Hearing : 28.09.2016

Relevant dates emerging from the appeal:

RTI application filed on : 27.08.2015

Complaint filed on : 13.10.2015

ORDER

1. Shri Buta Singh filed an application dated 27.08.2015, under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer-cum-Accounts Officer, Sashstra Seema Bal, R. K. Puram, New Delhi-110066 (CPIO), seeking a copy of application form etc., submitted by Shri Balwinder Singh for appointment as Constable (Driver).

2. The appellant filed a complaint dated 13.10.2015 before the Commission on the grounds that no information has been furnished to him by the CPIO and requested that a reply to his R.T.I be provided.

Hearing:

3. The appellant Shri Buta Singh was not present despite notice. The respondent Shri Chanchal Sharma, DIG, SSB was present in person.

4. The respondent submitted that the RTI application filed by the appellant was not received and the only document received was the appeal of the appellant. The respondent further submitted that the SSB has been declared an exempt organization as per Section 24(1) r/w Second Schedule of the RTI Act, except in cases of corruption and human rights violations, both of which are not involved in the present matter, however, in the instant matter, the information sought was pertaining to a third party which as per the Act, must be given only after obtaining the due consent. However, a due enquiry in the matter was conducted by the respondent and after perusing all the records of Shri Balwinder Singh, it appears to that the credentials were genuine, true and correct.

Decision:

5. The Commission is aware that under Section 24(1) r/w Second Schedule of the RTI Act, 2005, under serial no. 15, has been declared an exempt organization. Hence, the provisions of the RTI Act are not applicable to the SSB except when the information pertains to allegations of corruption or human rights violations. However, the High Court of Delhi in **W.P. (C) 7453/2011 dated 09.10.2013 (Union of Indian vs Adarsh Sharma)** has held that: -

“5. if an information of the nature sought by the respondent is easily available with the Intelligence Bureau, the agency would be well-advised in assisting a citizen, by providing such an information, despite the fact that it cannot be accessed as a matter of right under the provisions of Right to Information Act.....

It is again made clear that information of this nature cannot be sought as a matter of right and it would be well within the discretion of the Intelligence Bureau whether to supply such information or not.....”

6. In view of the above, the Commission would direct the CPIO, SSB to consider the request of the appellant and provide information to the extent possible to the appellant.
7. With the above observations, the appeal is disposed of.
8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer