

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000121

Dated 02.11.2016

Appellant : Ms. Meena Bhardwaj,
52, Tilak Vihar,
Indira Gandhinagar,
Sector-1, ke Pass,
Jagatpura, Jaipur.

Respondent : Central Public Information Officer,
Directorate of Revenue Intelligence,
Regional Unit, 2, Raj Bhawan Road,
Civil Lines, Jaipur.

Date of Hearing : 02.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 04.03.2015

CPIO's reply : 06.04.2015

First appeal filed on : 19.05.2015

FAA's order : 08.06.2015

Second appeal filed on : 08.07.2015

ORDER

1. Ms. Meena Bhardwaj filed an application dated 04.03.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Directorate of Revenue Intelligence (DRI) seeking information/documents on four points regarding appointments made in DRI on contract and on daily wages basis during 01.04.2012 to 31.12.2014.

2. The appellant filed a second appeal dated 08.07.2015 before the Commission on the grounds that the CPIO as well as the First Appellant Authority (FAA) have not provided the information on the ground that DRI has been exempted from the provisions of the RTI Act as per Section 24 r/w Second Schedule of the RTI Act, 2005 except in cases of corruption and human rights violations.

Hearing:

3. Shri Kamal J.S. Mann representative, of the appellant Ms. Meena Bhardwaj was present in person. The respondent Shri G.P. Gupta, Senior Intelligence Officer, DRI, Jaipur attended the hearing through video conferencing.

4. The appellant submitted that the information sought has been incorrectly denied to her on the ground that DRI has been exempted from the provisions of the RTI Act as per Section 24(1) of the RTI Act. However, the information sought pertains to human rights violations. The appellant was, however, not able to establish how the matter involves violation of human rights.

5. The respondent submitted that the appellant was informed vide letter dated 06.04.2015 that information sought cannot be provided to the appellant as the DRI has been exempted from the provisions of the RTI Act as per Section 24(1) of the Act, except in cases of corruption and human rights violations, both of which are not involved in the present matter.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that under Section 24(1) r/w Second Schedule

of the RTI Act, 2005, DRI has been declared an exempt organization. Hence, the provisions of the RTI Act are not applicable to the DRI, 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.....”

7. In view of the above, the Commission would like the DRI to consider the request of the appellant and provide information on point no 6.1 of the RTI application to the extent possible to the appellant.

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

(V.K. Sharma)
Designated Officer