

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000219

Dated 02.11.2016

Appellant : Mrs. Zeenath Tasleem,
QT No. SVA.184, CISF Colony,
Damanjodi,
Distt. Koraput,
Odisha-736008.

Respondent : Central Public Information Officer,
O/o DIG, Central Industrial Security
Force (CISF),
CISF Campus, Boring Road,
Patliputra, Patna,
Bihar-800013.

Date of Hearing : 02 .11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 19.02.2015

CPIO's reply : 16.03.2015

First appeal filed on : 15.04.2015

FAA's order : 19.05.2015

Second appeal filed on : 30.07.2015

ORDER

1. Mrs. Zeenath Tasleem filed an application dated 19.02.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), CISF Unit, Damanjodi NALCO, Dist. Koraput seeking signed

copy of a letter dated 04.08.2014 which was received by her in the absence of her husband along with video recording alleged to have been done by CISF personnel while delivering the said letter and also the video recording alleged to have been done at the CISF Canteen where she and her husband had gone to purchase groceries.

2. The appellant filed a second appeal dated 30.07.2015 before the Commission on the grounds that no information has been received by her either from the CPIO or the First Appellate Authority (FAA) and that the information sought by her has been denied taking exemption under Section 24 of the RTI Act, 2005.

Hearing:

3. The appellant Mrs. Zeenath Tasleem attended the hearing through video conferencing and the respondent Shri Anil Bali, Senior Commandant, CISF was present in person.

4. The appellant submitted that she had sought copies of signed letter that she had accepted along with the copies of video recording done on 04.08.2014 and 03.11.2014. However, the same was not provided to her on the ground that the CISF has been exempted from the provisions of the RTI Act as per Section 24(1) of the Act.

5. The respondent submitted that the appellant was informed vide letter dated 16.03.2015 that CISF has been put in the Second Schedule of the Right of Information Act, 2005. Hence, as per Section 24(1) of the RTI Act, CISF is exempted from the purview of the RTI Act. The respondent further submitted that if appellant could submit an application along with details of the particular case, information would be provided to her but not within the purview of the RTI Act owing to the exemption granted to the CISF.

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, CISF has been declared an exempt organization. Hence, the provisions of the RTI Act are not applicable to the CISF 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 CISF to consider the request of the appellant and provide information to the extent possible to her.

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