

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000221

Dated 22.11.2016

Appellant : Shri Yadu Raj Singh,
D-316, Sector-108,
Distt. Gautambudh Nagar,
NOIDA,
Uttar Pradesh-201304.

Respondent : Central Public Information Officer,
Central Bureau of Investigation,
Policy Division,
Room No.27, North Block
New Delhi.

Date of Hearing : 22.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 06.04.2015

CPIO's reply : 24.04.2015/11.05.2015

First appeal filed on : 26.05.2015

FAA's order : 24.06.2015

Second appeal filed on : 25.08.2015

ORDER

1. Shri Yadu Raj Singh filed an application dated 06.04.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Bureau of Investigation (CBI) seeking information on four points pertaining to encounter/fake encounter cases, including, (i) total number of encounter cases investigated by CBI from 01.01.2002 till

01.01.2014 which have been undertaken either by the State Police forces, Army and Central Forces, year-wise and state-wise,(ii) total number of encounter cases found fake in the investigations conducted by CBI and charge sheets filed by the CBI in different courts from 01.01.2002 till 01.01.2014.

2. The appellant filed a second appeal dated 25.08.2015 before the Commission on the grounds that the CPIO denied information on point Nos. 1, 2 and 4 of the RTI application on the grounds that the CBI is an exempted organization under Section 24 of the RTI Act, 2005 and informed that point no. 3 of his RTI application does not pertain to CBI and that the First Appellate Authority (FAA) too upheld the decision of the CPIO. The appellant requested the Commission to direct the public authority to provide all the information sought by him.

Hearing on 22.11.2016:

3. Both the appellant Shri Yadu Raj Singh and the respondent Shri Anupam Mathur, Inspector, CBI were present in person.

4. The appellant submitted that information sought has been denied to him on the ground that the CBI is exempted from the provisions of the RTI Act as per Section 24(1) of the RTI Act. The appellant further submitted that information sought is already available in public domain. Therefore, the same should be provided to him.

5. The respondent submitted that the appellant was informed vide letter dated 11.05.2015 that information sought cannot be provided to him as CBI has been declared an exempt organization under Section 24(1) read with Second Schedule of the RTI Act, 2005. Further, information sought by the appellant does not pertain to allegations of corruption and human rights violations. The provisions of the RTI Act are, therefore, not applicable in this matter. In view of this information sought cannot be provided to the appellant.

The respondent further submitted that the allegation of the appellant that the information is available in public domain is not correct as the details of the cases is kept confidential.

Interim Decision:

6. The Commission observes that in File No. CIC/SM/A/2011/001999 and File No. CIC/SM/A/2011/002285-Shri Subhash Chander Agrawal vs. CBI which also relates to disclosure of information by CBI in matters relating to allegations of corruption, the Full Bench of the Commission vide order dated 07.12.2012, had relied on the ruling of the Hon'ble Delhi High Court in WP(C) 7439/2012 and CM No. 19011/2012 and held that " in view of the stay granted by the Hon'ble High Court of Delhi vide its order dated 30.11.2012, we feel it would not be prudent to decide the present matter at this stage and it would be preferable to await the court's verdict".

7. In view of the above, the Commission is of the opinion that it would not be judicious to decide the matter in the present case at this juncture and it would be prudent to await the verdict of the Hon'ble High Court of Delhi in WP(C) 7439/2012.

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