

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000278

Dated 02.11.2016

Appellant : Shri Sonu Kumar Vaid,
S/o Shri Ram Laddu Vaid,
Vill. Sisarka, Tehsil Bisoli,
Distt. Budaun, U.P.-243632.

Respondent : Central Public Information Officer/ PAO
Indo Tibetan Border Police Force,
Post Samdur, Tadong Gangtok,
Eastern Sikkim-737 102.

Date of Hearing : 02.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 25.06.2015

CPIO's reply : 09.09.2015

First appeal filed on : 07.08.2015

Second appeal filed on : 28.09.2015

ORDER

1. Shri Sonu Kumar Vaid filed an application dated 25.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Indo Tibetan Border Police Force (ITBPF) seeking information on two points pertaining to the rules governing appointments made on compassionate grounds in ITBP.

2. The appellant filed a second appeal before the Commission on 28.09.2015 on the grounds that the CPIO vide letter 08.04.2016 has

incorrectly denied information by stating that the ITBP Force is an exempted organization as per Section 24(1) r/w Second Schedule of the RTI Act, 2005 except in cases of corruption and human rights violations.

Hearing:

3. Both the appellant Shri Sonu Kumar Vaid and the respondent were not present despite notice.

Decision:

4. The Commission, after perusing the records, observes that the appellant had sought information regarding rules governing appointments made on compassionate grounds in ITBP. The Commission is also aware that under Section 24(1) r/w Second Schedule of the RTI Act, 2005, ITBP has been declared an exempt organization. Hence, the provisions of the RTI Act are not applicable to the ITBP 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 like the ITBP 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 decision be given free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer