

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000362

Dated 21.11.2016

Appellant : Shri Rajneesh Kapur,
Kalchakra News Bureau,
C-6/28, SDA, HauzKhas,
New Delhi-110016.

Respondent : Central Public Information Officer,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Date of Hearing : 21.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 19.04.2015

CPIO's reply : 06.05.2015

First appeal filed on : 21.05.2015

FAA's order : 08.07.2015

Second appeal filed on : 24.07.2015

ORDER

1. Shri Rajneesh Kapur filed an application dated 19.04.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Ministry of Home Affairs (MHA) seeking a copy of the security clearance and its renewal, if any, obtained by Jet Airways in respect of one Mr. Hameed Ali, a national of Bahrain who is employed by them.

2. The appellant filed a second appeal dated 24.07.2015 before the Commission on the grounds that information sought has been denied by the CPIO under Section 8(1)(g) and 24 of the RTI Act, 2005 on the plea that Intelligence Agencies which give security clearance are exempted from the RTI Act and that the First Appellate Authority (FAA) in reply to his first appeal upheld the CPIO's reply and further stated that the information so sought are different from the information sought in the original RTI application and the information sought is exempted under Section 8(1)(a) of the RTI Act since disclosure of information relating to security clearance of entities/individuals in sensitive sectors of the economy can prejudicially affect the economic interest of the State. The appellant states that the grounds for rejection of the appeal by the FAA is erroneous, baseless, unfounded and is liable to be rejected and that the FAA has erroneously interpreted the provisions of the Right to Information Act, 2005 and has failed to appreciate the larger public interest that the appellant seeks to serve through the information sought. The appellant requested the Commission to set aside the FAA's Order and the information sought by him may be provided.

Hearing:

3. The appellant Shri Rajneesh Kapur and the respondent Shri Mukesh Mangal, Director (IS-1), MHA were present in person.

4. The appellant submitted that he has sought information regarding the security clearance about one Shri Hameed Ali, a national of Bahrain. The appellant submitted that the information sought has been denied to him on the ground that the disclosure of the information sought is exempted under Section 8(1)(g) and Section 24 of the RTI Act. The appellant further submitted that the First Appellate Authority vide order dated 08.07.2015 stated that the disclosure of information relating to security clearance of entities/individuals in sensitive sectors of the economy can prejudicially affect the economic interests of the State. The appellant also stated that the information sought by

him from the FAA pertains to whether the mandatory clearances as provided for under the Memo bearing No.AV 14027/2/02-AT-I effective from 01.03.1994 issued by the Office of the Director General of Civil Aviation (DGCA) had been undertaken or not. The appellant also clarified that he just wants to know as to whether the security clearance was provided to the person concerned or not. Further, no information relating to the details of security clearance had been sought by him.

5. The respondent submitted that any proposal seeking security clearance is based on inputs received from Intelligence Agencies which are exempted under Section 8(1)(g) and Section 24 of the RTI Act. Hence, information relating to security clearance cannot be divulged.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that the information has been denied to the appellant on the ground of Sections 8(1)(g) and 24(1) of the RTI Act. However, keeping in view the nature of information sought, the Commission is of the opinion that the exemptions invoked by the respondent would not be applicable to the present case and at best, exemptions available in the present case could be that the information sought relates to a third party. However, no such exemption was claimed by the respondent. The Commission, is of the opinion that the information sought, if disclosed, would serve larger public interest since it relates to the issue of security clearance of a person who is working as a senior functionary in the Aviation Sector and not following proper procedures while granting security clearance to such persons could pose a grave threat to the security and safety of the passengers, who travel by air. In view of this, the Commission, directs the respondent to inform the appellant whether any security clearance was given to one Shri Hameed Ali or not, within a period of four weeks from the date of receipt of a copy of this decision.

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