

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000393

Dated 21.11.2016

Appellant : ShriJugal Kishore Dubey,
VPO Jamhorf, Dhawa Niwas,
Distt. Aurangabad, Bihar-824121.

Respondent : Central Public Information Officer,
Central Industrial Security Force
Ministry of Home Affairs,
CISF Office Complex, Boaring Road,
Patliputra, Patna-13.

Date of Hearing : 21.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 05.08.2015

CPIO's reply : 10.08.2015

First appeal filed on : 28.08.2015

FAA's order : 16.09.2015

Second appeal filed on : 14.10.2015

ORDER

1. ShriJugal Kishore Dubey filed an application dated 05.08.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Industrial Security Force (CISF), Ministry of Home Affairs (MHA) seeking information relating to action taken on his representation dated 04.06.2015.

2. The appellant filed a second appeal dated 14.10.2015 before the Commission on the grounds that he has not been provided any information.

Hearing:

3. Both the appellant ShriJugal Kishore Dubey and the respondent Shri Anil Bali, Senior Commandant and Deemed CPIO, CISF attended the hearing through video Conferencing.

4. The appellant submitted that the information sought has been incorrectly denied to him on the ground that CISF has been exempted from the provisions of the RTI Act as per Section 24(1) of the RTI Act.

5. The respondent submitted that the appellant was informed vide letter dated 10.08.2015 that the CISF 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. However, both of which are not involved in the present matter. Therefore, information sought cannot be provided to the appellant. Nonetheless, the appellant was also informed vide letter dated 05.12.2014 that there is no provision of paying interest on delayed payment of Gratuity and Central Government Employees Insurance Scheme.

Decision:

6. The Commission is aware 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 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