

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000416

Dated 24.11.2016

Appellant : Smt. Sunita Behera,
C/o Late Bidyadhar Behera,
At Dharma Nagar Street,
Haridakandi Road,
P.O. Panigrahipentho,
P.S. Bada Bazar, Berhampur,
Distt. Ganjam, Odisha-760006.

Respondent : Central Public Information Officer,
Directorate General, Sashastra Seema Bal,
East Block-V, R.K. Puram,
New Delhi-110 066.

Date of Hearing : 24.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 14.05.2015

CPIO's reply : 12.06.2015

First appeal filed on : 03.07.2015

FAA's order : 06.08.2015

Second appeal filed on : 14.08.2015

ORDER

1. Smt. Sunita Behera filed an application dated 14.05.2015 under the Right to Information Act, 2005 (RTI Act) before the Public Information Officer (PIO), Directorate General, Sashastra Seema Bal (SSB), New Delhi seeking

information regarding the details of the salary of her husband, Shri Laxmi Narayana Behera,, Constable GD, SSB from January, 2015 till date.

2. The appellant filed a second appeal dated 14.08.2015 before the Commission on the grounds that information sought was denied by both the CPIO and the First Appellate Authority (FAA) under Section 24(1) of the RTI Act, 2005 on the grounds that SSB is exempted from the provision of the RTI Act except in cases pertaining to corruption and human rights violation and that no allegation of corruption and human rights violation is involved in the instant case. The appellant requested the Commission to provide the information to her since she needs this information in the court of law where she has filed a case for maintenance allowance for herself and their two minor children from her husband who has deserted them.

Hearing:

3. The appellant Smt. Sunita Behera was not present despite notice. The respondent Shri Ashok Sajwan, Assistant Director, SSB was present in person.

4. The respondent submitted that the appellant was informed vide letter dated 12.06.2015 that the SSB 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, the information sought cannot be provided to the appellant.

Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, observes that the appellant is the deserted wife of the Shri Laxmi Narayan Behera and information sought is in relation to a

maintenance case, wherein, salary of the husband is the determining factor regarding the quantum of the maintenance to be awarded. The Commission is also aware that under Section 24(1) r/w Second Schedule of the RTI Act, 2005, SSB has been declared an exempt organization. Hence, the provisions of the RTI Act are not applicable to the SSB, 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 SSB 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 the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer
