

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000458

Dated 05.12.2016

Appellant : Shri Rajesh Kumar,
Vill. Dudhan Gujran, PO-Dudhan Sadhan,
PS-Julkan,
Tehsil and Distt. Patiala-147 001, Punjab.

Respondent : The Public Information officer,
Central Industrial Security Force,
West Region, H.Q.Bhilai, Durg, Chattisgarh.

Date of Hearing : 05.12.2016

Relevant dates emerging from the appeal:

RTI application filed on : 07.02.2015

CPIO's reply : 14.03.2015

First appeal filed on : 06.07.2015

FAA's order : 17.07.2014

Second appeal filed on : 21.08.2015

ORDER

1. Shri Rajesh Kumar filed an application dated 07.02.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Industrial Security Force (CISF) seeking information on three points pertaining to CISF's (Bhilai) letter dated 20.11.2014 vide which the appellant was discharged from service on medical grounds.

2. The appellant filed a second appeal dated 21.08.2015 before the Commission on the grounds that the information regarding his disability pension was not provided to him by the respondent on the ground that the CISF has been exempted from the provisions of the RTI Act as per Section 24(1) of the Act.

Hearing:

3. Both the appellant Shri Rajesh Kumar and the respondent Shri Pawan Kumar, Commandant, 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 the CISF is exempted from the provisions of the RTI Act.

5. The respondent submitted that the appellant was informed vide letter dated 14.03.2015 that the CISF has been declared an exempt organization under Section 24(1) read with Second Schedule of the RTI Act, 2005. Further, the 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. Nonetheless, information from CISF, Bhilai was obtained vide letter dated 04.03.2015 and the same was provided to the appellant.

Decision:

6. The Commission is aware that under Section 24(1) r/w Second Schedule of the RTI Act, 2005, the 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 and the fact that as per the appellant, the letter dated 04.03.2015 of CISF, Bhilai referred to by the respondent was not received by him, the Commission would like the CISF to consider the request of the appellant and provide the information sought 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