

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000679

Dated 30.11.2016

Appellant : Shri Sujit Pal,
143, Udaypur Road,
PO-NIMTA, Kolkata,
West Bengal-700049.

Respondent : Central Public Information Officer
Directorate of Revenue Intelligence
7th Floor, D-Block, I.P. Bhawan,
I.P. Estate, New Delhi.

Date of Hearing : 30.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 20.03.2015

CPIO's reply : 23.04.2015

First appeal filed on : 02.07.2015

FAA's order : 04.08.2015

Second appeal filed on : 28.10.2015

ORDER

1. Shri Sujit Pal filed an application dated 20.03.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Directorate of Revenue Intelligence (DoRI), seeking information on two points in respect of DoRI's letter dated 13.02.2015 vide which his candidature for appearing in the viva-voce for the post of I.O. in DRI/DGCEI

was cancelled, including (i) the provision of the DoPT's OM dated 26.12.2013 under which the above decision has been taken by the respondent and (ii) copy of the relevant note sheets of the relevant file in which his application has been dealt with.

2. Shri Sujit Pal filed a second appeal dated 04.02.2015 before the Commission on the grounds that the CPIO has incorrectly denied the information sought by him stating that in terms of Section 24(1) read with the Second Schedule of the RTI Act the DoRI is exempted from providing any information except when there is allegation of corruption or violation of human rights and that the First Appellate Authority (FAA) too upheld the decision of the CPIO. The appellant requested the Commission to direct the concerned CPIO to provide the information sought by him as it relates to human rights violation since the right of equality is being violated because of the discriminatory treatment against him.

Hearing:

3. The appellant Shri Sujit Pal attended the hearing through video conferencing. The respondent was not present despite notice.

4. The appellant submitted that the information sought has been incorrectly denied to him on the ground that the DoRI has been exempted from the purview of the RTI Act under Section 24(1) of the RTI Act. The appellant further submitted that the information sought pertains to service matter and is not a security matter. Hence, the information sought should be provided to him.

Decision:

5. The Commission is aware that under Section 24(1) r/w Second Schedule of the RTI Act, 2005, DoRI has been declared an exempt organization. Hence, the provisions of the RTI Act are not applicable to the DoRI 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 DoRI to consider the request of the appellant and provide information to the extent possible to the appellant.

7. The Commission also takes serious note of the absence of the respondent during the hearing. The Commission, therefore, directs the CPIO, DoRI to submit a written statement, explaining his absence, along with the comments of First Appellate Authority, DoRI before 15.12.2016.

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

