

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000709

Dated 23.11.2016

- Appellant** : Shri V. Stanley Paulus,
A-11, Shalom,
Tennis Club Enclave,
Jawahar Nagar, Kowdiar,
Trivandrum-695003.
- Respondents** : Central Public Information Officer,
Intelligence Bureau (M.H.A),
Level-5, East Block-8, Sector-I,
R.K. Puram,
New Delhi-110066.
- : Central Public Information Officer,
Ministry of Home Affairs,
North Block, New Delhi-110 001.
- Date of Hearing** : 23.11.2016

Relevant dates emerging from the appeal:

- CPIO's reply : 24.09.2015
- First Appeal filed : 15.10.2015
- FAA's Order : 02.11.2015
- Second appeal filed on : 26.11.2015

ORDER

1. Shri V. Stanley Paulus filed anon-line application dated 07.08.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), O/o District Collector, Kanyakumari seeking

information on five points pertaining to procedure/guidelines to apply for Residential Permit/Residential Certificate in respect of Sri Lankan nationals who married Indian citizens, including (i) whether foreigners (Sri Lankan nationals) who have married Indian citizens can stay with their husbands in India and (ii) whether an Indian resident permit is granted to the above foreign nationals (Indian origin) to stay in India with their husbands.

2. The appellant filed a second appeal dated 26.11.2015 before the Commission on the grounds that this RTI application was transferred by the CPIO, O/o Collector, Kanyakumari to the Intelligence Bureau (IB) but the CPIO, IB has denied the information to him on the grounds that the IB is an exempted organization under Section 24(1) of the RTI Act and that the FAA too upheld the decision of the CPIO. The appellant states that the information sought by him would certainly be available in the departmental manuals/circulars issued by the Ministry of Home Affairs (MHA) issued for the guidance of the various departmental officials of Immigration, police, revenue etc. and the PIO of the O/o Collector, Kanyakumari could have provided the information. The appellant requested the Commission to set aside the impugned order of the FAA and direct the concerned authority to transfer the application to the proper authority in the MHA for furnishing the information.

Hearing on 23.11.2016:

3. The appellant Shri V. Stanley Paulus sought exemption from personal appearance vide an email dated 18.11.2016. The respondent Shri A.K. Bhuyan, Joint Deputy Director, IB was present in person.

4. The appellant vide an email dated 18.11.2015 requested the Commission to adjourn the matter as he would not be able to attend the hearing due to some urgent work and is travelling out of the country.

Interim Decision:

5. The Commission, accedes to the request of the appellant and decides to give one last opportunity to the appellant to present his case and, in case of non-appearance on the next date of hearing, the matter will be heard on the basis of the available records. The matter is adjourned to **17.01.2017 at 01.00 pm.**

6. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer