

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000096

Dated 21.09.2016

Appellant : Shri Bhimsen Sahoo,
AT Manikpur,
P.O. Bankoi,
Via/P.S. Bolgarh,
District Khordha,
Odisha-752066.

Respondent : Central Public Information Officer,
O/o DIG, Central Industrial
Security Force,
Eastern Sector, CISF Campus,
Boring Road, Patliputra,
Patna-13.

Date of Hearing : 21.09.2016

Relevant dates emerging from the appeal:

RTI application filed on : 18.04.2015

CPIO's reply : 05.05.2015

First appeal filed on : 25.05.2015

FAA's Order : 03.06.2015

Second appeal filed on : 23.06.2015

ORDER

1. Shri Bhimsen Sahoo filed an application dated 02.03.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Industrial Security Force (CISF), Eastern Sector, Patna

seeking information on four points regarding the difference in two medical examination results in respect of Shri Bijayananda Pradhan, Roll No. 220100292 conducted for recruitment of Constables in CISF for the year 2012, including (1) Xerox copy of X-Ray of Chest done on 11.05.2013 and 12.08.2013 and (2) Xerox copy of MRI reports of Shri Bijayananda Pradhan done on 11.05.2013 and 12.08.2013.

2. The appellant filed a second appeal dated 23.06.2015 before the Commission on the grounds that he did not receive correct and complete information from the CPIO and First Appellate Authority and both avoided giving the information.

Hearing:

3. Both the appellant Shri Bhimsen Sahoo who was represented by Shri Surender Kumar Sarangi and the respondent Shri S.N. Singh, DIG, CISF, Patna attended the hearing through video conferencing.

4. The appellant submitted that he had sought information regarding medical examination of Shri Bijayananda Pradhan which was conducted by the CISF at the time of recruitment for the post of Constable. However, the said information was denied to him on the ground that the CISF has been exempted from the provisions of the RTI Act under Section 24(1) of the Act.

5. The respondent submitted that the appellant was informed vide letter dated 05.05.2015 that the CISF has been 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 information sought cannot be provided to the appellant.

Decision:

6. The Commission, after hearing both the parties and perusing the records, observes that in this case information has been sought from an organization to which the RTI Act does not apply as per Section 24(1) of the RTI Act. Further, the information sought does not pertain to allegations of corruption and 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 issue a notice to the third party concerned in accordance with Section 11(1) of the RTI Act, seeking consent/dissent of the third party with regard to the disclosure of the information sought. The reply received from the third party should also be communicated 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