

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)
Old JNU Campus, New Delhi-110067

Decision No. CIC/VS/A/2014/002397/SB

Dated 11.12.2015

Appellant : Smt. Mukesh Devi,
W/o Bhagirth Yadav,
Vill. Mandhan,
Tehsil-Behror,
Disst.-Alwar,
State-Rajasthan.

Respondent : Central Public Information Officer
O/o DIG, CISF Campus,
New Delhi-110017.

Date of Hearing : 11.12.2015

Relevant dates emerging from the appeal:

RTI application filed on : 16.05.2014

CPIO replied on : 11.06.2014

First Appeal filed on : 25.06.2014

FAA's order : 21.07.2014

Second Appeal filed on : 08.08.2014

ORDER

1. Smt. Mukesh Devi filed an application dated 18.07.2014 under the Right to Information Act, 2005 before the Public Information Officer (PIO), CISF seeking a copy of the inquiry report on the death of her husband, Bhagirath Yadav along with the copy of the statements of witnesses.
2. The appellant filed second appeal dated 31.10.2014 before the Commission.

Hearing:

3. The appellant Smt. Mukesh Devi and the respondent Shri R.C. Huria, DIG, CISF were present in person.
4. The appellant submitted that information has not been provided to her in response to her RTI application on the ground that as per Section 24(1) of the RTI Act, CISF is exempted from the purview of the RTI Act, except when the information pertains to allegations of corruption and human rights violations.
5. The respondent submitted that as per Section 24(1) of the RTI Act, CISF is exempted from the purview of the RTI Act, except when the information pertains to allegations of corruption and human rights violations. Further, information sought by the appellant does not pertain to allegations of corruption and human rights violations, information has been denied to the appellant.

Decision:

6. The Commission is aware that under Section 24(1) r/w Second Schedule of the RTI Act, 2005, 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) had 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 CISF to consider the request of the complainant and provide information to the extent possible to the appellant.

7. The appeal is disposed of. Copy of decision be given free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy.

(V.K. Sharma)
Designated Officer