

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/MHOME/A/2017/180810

Mandeep

... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO, Bureau of Immigration East
Block, R.K. Puram, New Delhi.

...प्रतिवादीगण /Respondents

CPIO, Intelligence Bureau,
North Block, New Delhi.

Relevant dates emerging from the appeal/ complaint:

RTI : 30.03.2016	FA : 12.05.2016	SA : 03.10.2017
CPIO : 19.01.2017	FAO : 28.03.2017	Hearing : 27.06.2019

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Ministry of Home Affairs, New Delhi seeking information on three points pertaining to illegal Bangladeshi nationals in India, inter-alia (i) number of illegal Bangladeshi nationals

living in India, (ii) the authority responsible for sending back these illegal Bangladeshi nationals, and (iii) action taken against the authority if he does not take steps to send back these Bangladeshi nationals.

2. The appellant filed a second appeal before the Commission on the grounds that the information has been wrongly denied to him claiming exemption under Section 24(1) of the RTI Act. The appellant requested the Commission to direct the CPIO to provide the information sought and to impose a penalty on the erring officials.

Hearing:

3. The appellant was not present despite notice. The respondent Shri Harminder Singh, DCIO, Bureau of Immigration, New Delhi was present in person.

4. The respondent submitted that the appellant was informed vide letter dated 27.04.2017 that Bureau of Immigration/ Intelligence Bureau has been declared an exempt organization under Section 24(1) read with the 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. The respondent further submitted that the Bureau of Immigration only monitors and collects statistics pertaining to those immigrants who over stay. Thus, the information sought does not pertain to them. In view of this, the respondent admitted that the RTI application should have been returned to the MHA. The respondent tendered his unconditional apology for this lapse and requested the Commission to condone the same.

Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, observes that as per the respondent the subject matter of the RTI application pertains to Ministry of Home Affairs. In view of this, the Commission directs the respondent to transfer the appellant's RTI application under Section 6(3) of the RTI Act to the CPIO, MHA within a period of two weeks from the date of receipt of a copy of this order under intimation to the appellant. The Commission further directs the CPIO, MHA, New Delhi, to provide correct and complete information to the appellant within a period of four weeks from the date of receipt of the RTI application from the CPIO, Bureau of Immigration under intimation to the Commission.

6. With the above observations, the appeal is disposed of.

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

Sd/-

Sudhir Bhargava (सुधीर भार्गव)
Chief Information Commissioner (मुख्य सूचना आयुक्त)
दिनांक / Date 28.06.2019

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. S. Rohilla (एस. एस. रोहिल्ला)
Dy. Registrar (उप-पंजीयक)
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Addresses of the parties:

1. The First Appellate Authority (FAA)
Bureau of Immigration,
East Block-VIII, Level-V,
Sector-1, R.K. Puram, New Delhi-110066.
2. The Central Public Information Officer (CPIO),
Bureau of Immigration,
East Block-VIII, Level-V,
Sector-1, R.K. Puram, New Delhi-110066.
3. The Central Public Information Officer (CPIO),
Intelligence Bureau, M/o Home Affairs,
North Block, New Delhi.
4. Shri Mandeep,

