

Central Information Commission, New Delhi
File No.CIC/SM/A/2011/002248
Right to Information Act-2005-Under Section (19)

Date of hearing : 16 July 2012

Date of decision : 16 July 2012

Name of the Appellant : Shri Anil Bairwal,
National Coordinator,
Association for Democratic Reforms,
B-1/6, Hauz Khas, New Delhi - 110 016.

Name of the Public Authority : CPIO, Central Bureau of Investigation,
Anti Corruption Branch, Plot No. 5-B,
1st Floor, A & B Wing, CGO Complex,
New Delhi - 110 003.

The Appellant was present along with Smt. Shivani Kapoor.

On behalf of the Respondent, Shri R. Gambhir, ASP/CBI was present.

Chief Information Commissioner : Shri Satyananda Mishra

2. The Appellant, in his application dated 02.06.2011, sought information on 7 points relating to the number of complaints received by the CBI in the last 10 years and other related information including the number of complaints against the MLAs, MLCs and MPs. The Applicant also wanted to know whether these complaints had been disposed off, or converted into cases, etc.

3. The CPIO, in his letter dated 27.07.2011, informed that CBI was excluded from the purview of Right to Information Act as per Central Government notification No. F. N. 1/3/2011-IR. Not satisfied with the reply of the CPIO, the Appellant filed an appeal before the first Appellate Authority on 27.07.2011 challenging the decision of the CPIO on the ground that the said Government Notification does not have any retrospective effect. It is not clear whether the Appellate Authority had passed any order.

CIC/SM/A/2011/002248

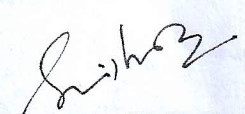


4. Both the parties were present during the hearing. We heard their submissions.

5. The CPIO had refused to disclose any information on the ground that the CBI had been included in the second schedule to the Right to Information (RTI) Act through a government notification. However, the fact of the matter is that the government notification came on 9 June 2011 while the Appellant had preferred the RTI application on 2 June. Therefore, his request cannot be refused on the only ground that the CBI is now included in the second schedule. If the information is available, it must be disclosed. We direct the CPIO to provide to the Appellant within 10 working days of receiving this order the desired information, if available. However, if the entire information is not available in the form in which it has been sought, the CPIO shall provide whatever information is available in this regard.

6. The appeal is disposed of accordingly.

7. Copies of this order be given free of cost to the parties.


(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.


(Vijay Bhalla)
Deputy Registrar

