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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6030/2013 & CM APPL. 13275/2013

CBDT, M/O FINANCE,
REVENUE DEPARTMENT NORTH BLOCK Petitioner
Through: Mr. Jaswinder Singh, Advocate.

versus

CENTRAL INFORMATION
COMMISSION & ANR. Respondents
Through: None.

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Date of Decision: 26th February, 2016

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petition has been filed challenging the orders dated 24th June, 2013 and 14th August, 2013 passed by respondent No.1-CIC on the ground that it failed to appreciate that petitioner was an exempted organisation under the Right to Information Act, 2005 and could not be compelled to disclose information sought for in the RTI application.
2. None is present for the respondent No.2. On the last date of hearing also, none was present for the respondent No.2.

3. Consequently, this Court has no other option, but to proceed ahead with the matter.

4. Section 24(1) of the Right to Information Act, 2005 reads as under:-

“24. Act not to apply to certain organizations.—(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government.

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in Section 7, such information shall be provided within forty-five days from the date of the receipt of request.”

5. Learned counsel for petitioner has handed over a copy of the Notification dated 27th March, 2008 which reads as under:-

NOTIFICATION

New Delhi, the 27th March, 2008

G.S.R. 235(E).—*In exercise of the powers conferred by sub-section (2) of Section 24 of the Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following further amendments in the Second Schedule to the said Act, namely:--*

In the Second Schedule to the Right to Information Act, 2005:--

(i) for serial number 16 and the entries relating thereto, the following shall be substituted, namely:--

“16. Directorate General of Income-tax (Investigation)”.

- (ii) *for serial number 17 and the entries relating thereto, the following shall be substituted, namely:-*
“17. National Technical Research Organisation.”;
- (iii) *for serial number 18 and the entries relating thereto, the following shall be substituted, namely:--*
“18. Financial Intelligence Unit, India.”; and
- (iv) *Serial number 22 and the entry relating thereto shall be omitted.”*

(emphasis supplied)

6. From the aforesaid Section and the Notification, it is apparent that the petitioner is an exempted organisation under the Right to Information Act. Even the information sought does not pertain to allegations of corruption and/or Human Rights Violation.

7. Consequently, the impugned orders dated 24th June, 2013 and 14th August, 2013 are set aside and the present writ petition and application are allowed.

FEBRUARY 26, 2016

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MANMOHAN, J