

\$~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10819/2016

UNION OF INDIA

..... Petitioner

Through : Dr.Indra Pratap Singh, Advocate.

versus

MANISH KUMAR

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

%

29.11.2018

1. Vide the present writ petition, the petitioner seeks direction thereby setting aside the order dated 02.11.2015 passed by CIC in Appeal No. ***CIC/VS/A/2014/000526, Manish Kumar v. Central Public Information Officer***, whereby the petitioner is directed to provide the information sought by the respondent.
2. A perusal of the previous order sheet reveals that none has appeared on behalf of respondent on the last date of hearing, so is the position today. Even the counter affidavit to the writ petition has not been filed by the respondent.
3. It is important to note that the respondent/Manish Kumar vide letter dated 04.09.2013 sought information as under:

“Certified copy of all correspondences done with CBI/ACB/Kolkata in connection with Sri Manish Kumar, IRSE-97 Exam batch. (year 2003 to till

date”)

4. Dr. Inter Pratap Singh, learned counsel appearing on behalf of Union of India/petitioner has submitted that the information sought by the respondent is exempted from being provided under Section 24 of the Right to Information Act, 2005 which stipulates as under:

“(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”

5. Section 8 (h) of the Right to Information Act, 2005, exempts from disclosure of that information which would impede the process of investigation or apprehension or prosecution of offenders. It is further submitted that such organization is not obliged to give information of the nature sought to any citizen. Under Section 24 (1), it is contained that this Act shall not apply to the intelligence and Security Organizations specified in second schedule being organizations established by the Central Government or any information furnished by such organizations to that Government.

6. In the Amendment Notification dated 09.06.2011 issued by the Ministry of Personnel, Public Grievances and Pensions, in the second Schedule to the Right to Information Act, 2005, the Central Bureau of Investigation is mentioned at serial No. 23 and same was added vide GSR 442 (e) dated 09.06.2011. Thus, it is submitted that petitioner is exempted under Section 24 read with Schedule 2 of the Right to Information Act, 2005 to provide the information sought by the respondent.

7. In view of the above, I find substance in the arguments of the learned counsel for the petitioner, accordingly, I hereby set aside the impugned order dated 02.11.2015.

8. This writ petition is accordingly allowed with no order as costs.

SURESH KUMAR KAIT, J

NOVEMBER 29, 2018

j