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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 25th January, 2023

+ **W.P.(C) 10124/2021 and CM APPL. 31234/2021**

CPIO, CENTRAL ECONOMIC INTELLIGENCE
 BUREAU

..... Petitioner

Through: Mr. Ravi Prakash, CGSC with Mr.
 Varun Agarwal & Mr. Farman Ali,
 Advocate (M-9717866618)

versus

G.S. SRINIVASAN

..... Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner – CPIO, Central Economic Intelligence Bureau challenging the impugned order dated 3rd July, 2020 passed by the Central Information Commission (CIC) by which disclosure of certain information to the Respondent/RTI Applicant has been directed
3. A complaint was preferred by the Respondent/RTI Applicant - G.S. Srinivasan on 15th May, 2017 by which information relating to money laundering business, hawala money transactions, smuggling and tax evasion was sought from the Central Economic Intelligence Bureau (CEIB). The said information related to certain individuals who were named in the complaint.
4. The Respondent/RTI Applicant filed his RTI Application dated 21st December, 2017 seeking information about the status of his complaint and action on the same.

5. The Petitioner vide order dated 1st January, 2018 refused the said information on the ground that the same is exempted under Section 24(1) read with Schedule II of the Right to Information Act, 2005 (*hereinafter, "RTI Act"*). Thereafter, first appeal was filed by the Respondent/RTI Applicant. The Appellate Authority, CEIB vide order dated 27th February, 2018 confirmed the order passed by the Petitioner. Aggrieved by the same the Respondent/RTI Applicant filed second appeal before the CIC. The CIC vide impugned order dated 3rd July, 2020 come to the conclusion that the CEIB is exempted under Section 24 of the RTI Act, however, it went on to direct as under:

"4. The respondent submitted that no specific allegations of human rights violation and corruption could be manifested from the averments of the appellant as far as the content of the RTI application is concerned. Hence, the RTI Act, 2005 is not applicable to their organization which has been placed at Serial No. 4 of the 2nd Schedule r/w Section 24 of the RTI Act, 2005.

Decision:

5. Since the appellant is not present to attend the hearing, this Commission takes note of the documents annexed by him with the 2nd appeal wherein he has sought broad outcome of his complaint filed against one Mr. R.M. Abdul Samsad.

6. This Commission observes that the Central Economic Intelligence Bureau has been placed at Serial No. 4 of the 2nd Schedule r/w Section 24 of the RTI Act, 2005 and as such, the RTI Act, 2005 is not applicable to his organization except in the case of corruption and human rights violations and appellant has also not established any specific instances of corruption and human rights violations in the matter. Therefore, details of the investigation cannot be

*provided. **However, the respondent should consider providing only the outcome of the complaint to the appellant, within a period of 15 working days from the date of receipt of this order.***

6. In this Petition, despite service, there is no appearance on behalf of the Respondent. Fresh notice was directed to be issued on 25th August, 2022. Ld. counsel for the Petitioner hands over the tracking report to show that the Respondent has been again served. In view of the fact that none appears for the Respondent, the Respondent is proceeded against *ex parte*.

7. Ld. Counsel for the Petitioner submits that since the CEIB is an exempted organization under Section 24(1) of the RTI Act thus, even the outcome of the complaint of the Respondent/RTI Applicant could not have been directed to be disclosed by the CIC.

8. Section 24(1) makes it clear that the RTI Act would not apply to the organizations which are specified in the Schedule II of the Act. The only exceptions to this mandate are if there are any allegations of corruption and human rights violations. Insofar as the CEIB is concerned, the same is listed at serial number 4 in Schedule II of the RTI Act under the heading "Intelligence and Security Organisation established by the Central Government".

9. A perusal of the complaint and the RTI Application show that the same relate to information relating to money laundering business, hawala money transactions, acts of tax evasion and smuggling activities. These do not relate to corruption or human rights violations. Thus, the same would not be covered by the exception under the proviso to Section 24(1).

10. This Court has had the occasion to consider the said provisions in the context of the Intelligence Bureau in **W.P.(C) 7453/2011** titled **Union of India and Ors. v. Adarsh Sharma** wherein the Court has observed as under:

“4. The information sought by the respondent was neither any information related to the allegations of corruption in Intelligence Bureau nor an information related to the human rights violations. The Commission, therefore, was clearly wrong in directing the Intelligence Bureau to provide the said information to the respondent under the provisions of Right to Information Act. Therefore, the order passed by the Central Information Commission being contrary to the provisions of the Act, cannot be sustained and is hereby quashed.

5. However, in my view, 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 appears that there is a litigation going on in Rajasthan High Court between the respondent and Dr. Vijay Kumar Vyas. It also appears that the respondent has a serious doubt as to whether Dr. Vijay Kumar Vyas, who was reported to have died on 03.09.2009, has actually died or not. The Intelligence Bureau could possibly help in such matters by providing information as to whether Dr. Vyas had actually left India on 10.10.2009 for Auckland on flight No CX708. Therefore, while allowing the writ petition, I direct the Intelligence Bureau to consider the request made by the respondent on administrative side and take an appropriate decision thereon within four weeks from today. 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. Whether a person aggrieved from refusal to provide such information can approach this Court under Article 226 of the Constitution, is a matter which does not arise for consideration in this petition. The writ petition stands disposed of. No order as to costs.”

11. Thus, considering the fact that the Central Economic Intelligence Bureau is clearly exempted under Section 24(1) read with Schedule II of the RTI Act, the direction of the CIC to provide the outcome of the complaint to the Respondent/ RTI Applicant is not sustainable and the same would be contrary to law. Accordingly, the said finding and direction of the CIC is set aside.

12. The writ is allowed in the above terms with no orders to costs. All pending applications are disposed of.

JANUARY 25, 2023

Rahul/KJ

PRATHIBA M. SINGH, J.

