

TELANGANA STATE INFORMATION COMMISSION

(Under Right to Information Act, 2005)

Samachara Hakku Bhavan, D.No.5-4-399, '4' Storied Commercial Complex,
Housing Board Building, Mojam Jahi Market, Hyderabad – 500 001.

Phone Nos: 040-24740667 (o); 040-24740592(f)

Appeal No.8371/SIC-KSR/2022

Dated: 06-02-2023

Appellant : Sri C. Suryanarayana, H No.59/11, LIGH,
4th Phase, KPHB Colony, Hyderabad-500085.

Respondents : **The Public Information Officer (U/RTI Act, 2005) /**
O/o. the Joint Commissioner of Police, Special Branch, Near City
Civil Court, Chatta Bazar, Hyderabad - 500001

The Appellate Authority (U/RTI Act, 2005) /
The Joint Commissioner of Police (Admn),
O/o. the Commissioner of Police-City, Basheerbagh, Hyderabad.

ORDER

Sri C. Suryanarayana has filed 2nd appeal dated 16-06-2022 which was received by this Commission on 16-06-2022 for not getting the information sought by him from the PIO / O/o. the Joint Commissioner of Police, Special Branch, Near City Civil Court, Chatta Bazar, Hyderabad - 500001 and 1st Appellate Authority / The Joint Commissioner of Police (Admn), O/o. the Commissioner of Police-City, Basheerbagh, Hyderabad.

The brief facts of the case as per the appeal and other records received along with it are that the appellant herein filed an application dated 11-05-2022 before the PIO under Sec.6(1) of the RTI Act, 2005, requesting to furnish the information on the following points mentioned in his application:

As per the above subject an enquiry was ordered in Feb/March 1986 against me based on some allegations made by influential quarters. Hence request to kindly provide certified copy of the enquiry report done as per the orders of the then Dy. Commissioner-Police Sri. Srikanth Reddy, to Special Branch-City for parallel enquiry.

A certified copy of the enquiry report may please be provided to me (applicant herein) under Sec.6 (1) of RTI Act, 2005 since the above information pertains to me only. Presently my age is 82 years old.

The Public Information Officer has furnished a reply to the appellant vide Lr.No.SB//RTI-3/684/2022/465, dated 19-05-2022.

Since the appellant was not satisfied with the reply received from the Public Information Officer, he filed 1st appeal dated 27-05-2022 before the 1st Appellate Authority U/s. 19(1) of the RTI Act, 2005 requesting him to furnish the information sought by him.

The 1st Appellate Authority has furnished a reply to the appellant vide Lr.No. L&O/PR1/RTI-Act/3328/2022, dated 15-06-2022.

As the appellant was not satisfied with reply received from the Public Information Officer and 1st Appellate Authority, he preferred this 2nd appeal before this Commission U/s. 19(3) of the RTI Act, 2005 requesting to take action against the PIO and 1st Appellate Authority for not furnishing information sought by him and also to arrange to furnish the information sought by him.

Basing on the material papers available on record, the appeal was taken on file and notices were sent to the parties concerned directing them to appear before this Commission for hearing on 06-02-2023.

The case is called on 06-02-2023. The Appellant is present. The Public Information Officer/ Sri A.Ram Reddy, Addl. Dy. Commissioner of Police is present. The First Appellate Authority is absent.

P.T.O

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The Public Information Officer submitted that vide letter No.SB/RTI-3/684/2022/465 dated 19-05-2022, a reply was furnished to the appellant informing that all the Special Branches in the state are exempted from furnishing the information under the RTI Act, 2005. He further submitted that the First Appellate Authority has also furnished reply to the appellant vide letter No. L&O/PR1/RTI-Act/3328/2022 dated 15-06-2022.

The Appellant submitted that he has received the above replies from the Public Information Officer and the First Appellate Authority.

It is seen from the record that the appellant has filed 6(1) application on 11-05-2022. The Public Information Officer has furnished a reply to the appellant on 19-05-2022 taking shelter under G.O.Ms.No.667, GAD dated 03-09-2007 which exempts all the Special Branches from furnishing the information. Though GO.Ms.No.667 exempts certain Organizations from the purview of RTI Act, any exemption from furnishing information has its time limit. Since the information sought by the appellant is relating to a service matter, it cannot be kept under secrecy for years together. Exemption is meant for the period during which the investigation is under process. And also exemptions are exceptional to certain information, which can cause harm to the state or social harmony, if furnished.

In view of the above findings, since the sought information is linked to the pensionary benefits of the appellant, the Commission directed the Public Information Officer to furnish an appropriate reply to the appellant, within two weeks from the date of receipt of this order and submit compliance report to the Commission.

With the above direction, the appeal is closed.

Katta Shekar Reddy
State Information Commissioner

Authenticated by:

PS to SIC
Copy to: - IT Section/SF