

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi – 110067

File No : CIC/DODEF/A/2022/653266

Vihar Durve

.....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,  
Ministry of Defence,  
Room No 225C, South Block,  
New Delhi -110001

....प्रतिवादीगण /Respondent

Date of Hearing : 08-01-2024

Date of Decision : 12-01-2024

INFORMATION COMMISSIONER : Vinod Kumar Tiwari

**Relevant facts emerging from appeal:**

RTI application filed on : 15-06-2022

CPIO replied on : 29-07-2022

First appeal filed on : 17-08-2022

First Appellate Authority's order : 09-09-2022

2nd Appeal/Complaint dated : 02-10-2022

**Information sought:**

The Appellant filed an RTI application dated 15.06.2022 seeking the following information:

*"1) Furnish me with complete details (including details of discussions with all stakeholders) of correspondence, records, information, emails, (with file noting) etc for introducing 'AGNIPATH' scheme for recruitment of youth in the Armed Forces.*

*2) Furnish me about details (including details of discussions with all stakeholders) of correspondence, records, information, emails, (with file noting) etc for introducing Agniveers to be enrolled under respective Service Acts for four years*

*3) Furnish me about details (including details of discussions with all stakeholders) of correspondence, records, information, emails, (with file noting) etc for introducing Attractive monthly package with Risk & Hardship allowances as applicable in the three Services*

*4) Furnish me about details (including details of discussions with all stakeholders) of correspondence, records, information, emails, (with file noting) etc for introducing One time 'Seva Nidhi' package to be paid to Agniveers upon completion of engagement period of four years."*

The CPIO furnished a reply to the Appellant on 29.07.2022 stating as under:

*"Reference your RTI application, the file wherein approval for Agnipath Scheme is accorded is classified as "Secret". Hence, your RTI application is rejected under section 8(1) (a) of the RTI Act-2005."*

Being dissatisfied, the appellant filed a First Appeal dated 17.08.2022. The FAA vide its order dated 09.09.2022, the response of the CPIO is in order hence upheld.

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeal.

**Relevant Facts emerged during Hearing:**

The following were present:-

**Appellant:** Present through NIC.

**Respondent:** Shri Tarun Sood, CPIO appeared in person.

The appellant *inter alia* submitted that the respondent has denied information sought citing reason as Agnipath File is marked as SECRET File. He pleaded that Agnipath Scheme is accorded classified as "SECRET" and denied the information quoting Section 8(1) (a) of the RTI Act. He further submitted that exemption claimed by the respondent would not apply in his case.

The respondent while defend their case inter alia submitted that information sought by the appellant is classified as confidential, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State. Accordingly, they claimed exemption under section 8 (1) (a) of the RTI Act.

**Decision:**

The Commission after adverting to the facts and circumstances of the case, hearing both the parties and perusal of the records, notes that the appellant sought information on four points regarding "Agnipath" Scheme and related details. The respondent denied the information regarding approval for Agnipath Scheme on the plea that it was classified as "Secret" and accordingly, they claimed exemption under section 8 (1) (a) of the RTI Act. The appellant during the hearing pleaded that there is no word of secret in the exemption mentioned under section 8 (1) (a) of the RTI Act as claimed by the respondent. Therefore, the same was not applicable in this case.

Perusal of the records further revealed that the respondent had denied the information, but they failed to explain as to how the exemptions claimed by them would be applicable in this instant case. The Hon'ble Delhi High Court in the case of *B.S. Mathur vs. PIO, W. P. (C) 295/2011* dated 3rd June 2011 has observed that:

*"19. ....The scheme of the RTI Act, its objects and reasons indicate that disclosure of information is the rule and non-disclosure the exception. A public authority which seeks to withhold information available with it has to show that the information sought is of the nature specified in Section 8 RTI Act...."*

In view of the above observations, the respondent is directed to revisit the RTI application and provide the revised information/reply as per applicable exemption of the RTI Act, within three weeks from the date of receipt of this order. With the above observations and directions, **the appeal is disposed of.**

**Vinod Kumar Tiwari (विनोद कुमार तिवारी)**  
**Information Commissioner (सूचना आयुक्त)**

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

(R K Rao)  
Dy. Registrar  
011- 26181927  
Date 12-01-2024

**Vihar Durve**  
**573/1, Pavan Vihar,**  
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**Maharashtra.**

