

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

द्वितीय अपील संख्या / Second Appeal No. **CIC/MOEIT/A/2023/652250**

Shri Vihar Durve

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Ministry Of Electronics & Information
Technology

...प्रतिवादीगण / Respondent

Date of Hearing : 29.11.2024

Date of Decision : 29.11.2024

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from appeal:

RTI application filed on : 15.06.2023

PIO replied on : 11.08.2023

First Appeal filed on : 12.08.2023

First Appellate Order on : 06.09.2023

2ndAppeal/complaint received on : 21.11.2023

Information sought and background of the case:

The Appellant filed an RTI application dated 15.06.2023 seeking information on the following points:-

“1)Furnish me complete correspondence with (file notings) emails phone calls made by concerns/competent authorities/ Ministry of Information and Technology etc etc with Twitter (social media Platform) relating to (a)block accounts covering farmers' protests and those critical of the government. (b) and reply by Twitter to correspondence with (file notings) emails phone calls made by concerns/competent authorities/ Ministry of Information and Technology etc etc with Twitter (social media Platform) relating to block accounts covering farmers' protests and those critical of the government.

2) Furnish me complete correspondence with (file notings) emails phone calls made by concerns/ competent authorities/Ministry of Information and Technology etc etc with Twitter (social media Platform) relating to (a) threatening with "a shut down" and conducting raids at its employees' homes in the country. (b) and reply by Twitter to correspondence with (file notings) emails phone calls made by concerns/competent authorities/ Ministry of Information and Technology etc etc with Twitter (social media Platform) relating to threatening with "a shut down" and conducting raids at its employees' homes in the country. Etc.”

The CPIO, Scientist D, Cyber Laws vide letter dated 11.08.2023 replied as under:-

“Section 69A of the IT Act, 2000 empowers Government to block information from public access under specific conditions of: (i) interest of sovereignty and integrity of India, (ii) defence of India, (iii) security of the State, (iv) friendly relations with foreign States or (v) public order or (vi) for preventing incitement to the commission of any cognizable offence relating to above. The information, in the format as asked in the RTI is not available, further blocking of any Twitter handle/URL. has been dealt under the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 published with Section 69A of the IT Act. 2000, which is confidential in nature and cannot be disclosed. As per Rule 16 of Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009, strict confidentiality shall be maintained regarding all the requests and complaints received and actions taken thereof. Further, as section 69A of the Information Technology Act, 2000 and its matters are related to sovereignty and integrity of India, the security, strategic interests of the State, relation with foreign State or lead to incitement of an offence. Thus, it attracts provisions of 8(1)(a) of the RTI Act 2005. Hence, the information asked is exempted as per RTI Act. For Point 2 and 4: only such information can be supplied under the RTI Act that is available and existing and is held by the public authority or is held under the control of the public authority. The Central Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The information sought is not available in records”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 12.08.2023. The FAA, Scientist D, Cyber Laws vide order dated 06.09.2023 stated as under:-

“After examination on your appeal and CPIO's reply on your RTI request, it is submitted that there is no additional information is available to offer. And, blocking of any Twitter handle/URL has been dealt under the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 published with Section 69A of the IT Act. 2000, which is confidential in nature and can not be disclosed. Further, as section 69A of the IT Act 2000 and its matters are related to sovereignty and integrity of India, the security, strategic interests of the State, relation with foreign State or lead to incitement of an offence. Thus, it attracts provisions of 8(1)(a) of the RTI Act 2005. Hence the information asked is exempted as per RTI Act.”

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

A written submission dated 16.11.2024 has been received from the Appellant and duly taken on record.

Hearing was scheduled after giving prior notice to both the parties.

Appellant: Present through video conference

Respondent: Shri Girija Nandan Jaiswal – Scientist ‘D’ and Shri Manish Kumar – Scientist ‘B’ were present during hearing.

The Appellant contended that he was not satisfied with the response sent by the Respondent and sought the information as specified in his RTI application. The Respondent reiterated that the information sought by the Appellant had been duly declined for reasons clearly specified in the PIOs' reply. He averred that the information sought by the Appellant attracts provisions of Section 8(1)(a) of the RTI Act 2005 and is thus it is exempt as per RTI Act.

Decision:

Perusal of records of the case reveals that appropriate response had been sent by the Respondent to the Appellant which is in consonance with the provisions of the RTI Act. Since the response sent by the PIO is found appropriate and well within the precincts of the RTI Act, no further intervention is warranted in this case, under the RTI Act.

The appeal is disposed off accordingly.

Heeralal Samariya (हीरालाल सामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535

Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil