

No. I-11034/15/2014-LWEO-II
Government of India
Ministry of Home Affairs
Left Wing Extremism Division
(LWEO Wing)

Room No. 210-A, North Block
New Delhi, Dated the 31 July 2014

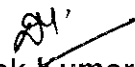
To

Sh.R.K.Jain,
1512-B, Bhisim Pitamah Marg,
Wazir Nagar, New Delhi-110003

**Sub: First Appeal dated 23.05.2005 preferred by Shri R.K.Jain under RTI Act, 2005
– regarding.**

Please refer to this Ministry's communication bearing No.A-43020/16/2014-RTI dated 16.07.2014. A copy of the said communication has been received by this office from Sh. B.K.Rajan, Deputy Secretary & CPIO, Ministry of Home Affairs on 21.07.2014 for providing information on para B & C of your RTI application dated 11.04.2014.

2. In this regard, it is to inform you that available information in respect of the Left Wing Extremism Operations-II (LWEO-II) Section of the Left Wing Extremism Division (earlier said as ANO-II Section of the Naxal Management Division), Ministry of Home Affairs has already been provided vide this Ministry's letter of even number dated 11th June 2014. A copy of the same is enclosed for reference.


(Deepak Kumar Kedia)
Director (LWEO-II) & CPIO
Telefax. 011 2309 4019

Copy to:

✓ SO (IT), MHA, North Block – with the request to upload the RTI application dated 11.04.2014 and & Appeal dated 23.05.2014 of Sh. R.K.Jain under RTI Act-2005 and reply of this Section on MHA's website in pursuant to the para 1.4.1 of the guidelines dated 15.04.2013 issued by the DoPT.

No. I-11034/15/2014-NM/ANO-II
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/Grih Mantralaya
 Naxal Management Division

Room No. 210-A, North Block
 New Delhi, dated the // June, 2014

To

Shri R. K. Jain,
 1512-B, Bhishm Pitamah Marg,
 Wazir Nagar, New Delhi - 110003.

Subject: Application under Right to Information Act-2005.

This has reference to this Ministry's communication No. A-42012/09/2014-Ad.II dated 16.05.2014 under reference to your RTI application dated 11.04.2014, received in this office/section on 23.05.2014 through Shri V. K. Rajan, Deputy Secretary (Ad-II) & CPIO, Ministry of Home Affairs, North Block, New Delhi - 110001.

2. As regards point nos. 4(A) (i) & (ii) of your application, it is to inform that necessary action is being taken, as per the guidelines issued by DoP&T in this regard, as per the applicability. It is further informed that major items of works performed by the ANO-II Wing are secret and sensitive in nature. Therefore, from the security point of view, they do not fall under the purview of suo motu disclosure. However, the matters which needs to be disclosed (e.g. Parliament Questions & replies thereto, RTI applications & replies thereto, scheme related information etc) are uploaded on the website of the MHA from time to time, which is in public domain. As regards point no. 4 (C), xerox copy of the file noting is enclosed.

3. Appeal u/s 19(1) of the Act, if any, is to be made within 30 days of receipt of this communication and the same in respect of this information lies with Sh. M. A. Ganapathy, Joint Secretary, Naxal Management Division, Room No.193-A/1, North Block, Ministry of Home Affairs, New Delhi.

Encl: As above.

DK
 (Deepak Kumar Kedia)
 Director (ANO-II) & CPIO
 Telefax No: 011-2309 2670

Copy to:

Qw...
 11/6/14 Shri Rambir Singh, Director (NM-I) & CPIO, Ministry of Home Affairs, North Block,
 New Delhi - 110001

Separate copy to:

SO (IT) - with request to upload the RTI application dated 11.04.2014 and reply of this Wing on the MHA's website in pursuant to the para 1.4.1 of the guidelines dated 15.04.2013 issued by the DoP&T.

OLC
P.S. NO. 2/14
11/6/14

Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-402/8056/14
Dated : 11-4-2014

To
Central Public Information Officer
Ministry of Home Affairs
Govt. of India
North Block
New Delhi - 110001

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) The proactive disclosure of information by Ministry of Home Affairs on its website is neither complete nor upto date as per the requirement of the Section 4 of the RTI Act, 2005 read with guidelines issue under DoPT O.M. No. 1/6/2011-IR, dated 15-04-2013 and 10-12-2013. Even the Hindi version is not operational and most of the menus & submenus/hyperlinks are without any data though displayed on the home page. The Ministry of Home Affairs is liable for penal action in this regard as per Section 18 of the RTI Act read with Delhi High Court decision in the case of DDA v. CIC. You are advised to comply with the provisions of section 4 within a week failing which the Applicant shall file a complaint under section 18 of the RTI against the concerned officials of Ministry of Home Affairs. In this respect, please also provide the following information : - (i) Please provide the file Numbers in which the proactive disclosure by Ministry of Home Affairs under Section 4 of the RTI Act is dealt with. Please provide the number of Notesheets and number of correspondence pages contained in each file. Please provide certified copies of the Notesheets of the said file form 01-01-2013 till the date of providing the information.

B

		<p>(ii) Please provide the name of the officers with designations who are responsible for making voluntary disclosure under section 4 of the RTI Act from 01-01-2009 till the date of providing the information and also provide the details of actions taken against them for violation of provisions of section 4 of the RTI Act.</p> <p>(B) Please provide list of files from which the information as sought above is provided by you</p> <p>(C) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p>
5.		I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.		A Postal Order No. 21F 990030 for Rs. 10 towards payment of fee is enclosed herewith.

Signature of Applicant
Telephone No. : 9810077977
011-24651101, 24690707
Fax No. 011-24635243

Place : New Delhi
Encl. : as above

fira---9256
asn

First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-579/(8056/14)/Appeal/15115

Dated : 23-05-2014

To

Shri Satpal Chauhan
Joint Secretary (Admn.)
First Appellate Authority Under the RTI Act 2005
Home Minister's Office
Central Secretariat
North Block
New Delhi - 110001

A. Contact Details :

1.	Name of the Appellant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri V.K. Rajan Dy. Secretary (E) & CPIO
		(b) Address	Ministry of Home Affairs Govt. of India North Block New Delhi - 110001
2.	Date of submission of application (Copy of application attached)	11-04-2014	
3.	Details of the order appealed against	Letter No.A-42012/09/2014-Ad.II dated 16-05-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	16-06-2014	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 11-4-2014. (Annexure-1) 2. Copy of CPIO's letter dated 8-5-2014. (Annexure-2) 3. Copy of Appellant's 2 Reminder letter dated 10-5-2014. (Annexure-3) 4. Copy of CPIO's letter dated 16-5-2014. (Annexure-4)	

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BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 11-04-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *The proactive disclosure of information by Ministry of Home Affairs on its website is neither complete nor upto date as per the requirement of the Section 4 of the RTI Act, 2005 read with guidelines issue under DoPT O.M. No. 1/6/2011-IR, dated 15-04-2013 and 10-12-2013. Even the Hindi version is not operational and most of the menus & submenus/hyperlinks are without any data though displayed on the home page. The Ministry of Home Affairs is liable for penal action in this regard as per Section 18 of the RTI Act read with Delhi High Court decision in the case of DDA v. CIC. You are advised to comply with the provisions of section 4 within a week failing which the Applicant shall file a complaint under section 18 of the RTI against the concerned officials of Ministry of Home Affairs. In this respect, please also provide the following information : -*
- (i) *Please provide the file Numbers in which the proactive disclosure by Ministry of Home Affairs under Section 4 of the RTI Act is dealt with. Please provide the number of Notesheets and number of correspondence pages contained in each file. Please provide certified copies of the Notesheets of the said file from 01-01-2013 till the date of providing the information.*
- (ii) *Please provide the name of the officers with designations who are responsible for making voluntary disclosure under section 4 of the RTI Act from 01-01-2009 till the date of providing the information and also provide the details of actions taken against them for violation of provisions of section 4 of the RTI Act,*
- (B) *Please provide list of files from which the information as sought above is provided by you*
- (C) *Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of*

providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri V.K. Rajan, CPIO, Ministry of Home Affairs, has deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri V.K. Rajan, CPIO, Ministry of Home Affairs, has deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That the CPIO has not provided the name and designation of the Officials who are responsible for making voluntary disclosure u/s 4 of the RTI Act. This information was sought in point A(ii) of the RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (5) That the CPIO has not provided any information in relation to point (B) of the RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

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- (6) That the CPIO has provided incorrect and misleading information in relation to point (C) of the RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
 - (7) That the Ministry of Home Affairs is not complying with the provisions of section 4 of the RTI Act nor they have complied with the DOPT OM dated 15-4-2013 in order to cover up their lapses. The CPIO is providing incomplete, incorrect and misleading information. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.
 - (8) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
 - (9) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
 - (10) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
 - (11) That a personal hearing may be granted to the appellant before deciding the present appeal.
 - (12) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.

- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.



Signature of Appellant
Telephone No. : 9810077977
24651101
Fax No. 011-24635243

Place : New Delhi
Dated : 23-05-2014