

**By Speed Post**  
**RTI MATTER**

No. VI.23014/94/2014-VS  
Government of India  
Ministry of Home Affairs  
(PP Division)

NDCC-II Building, 3<sup>rd</sup> Floor,  
Jai Singh Road,  
New Delhi-110001, dated: 28<sup>th</sup> July, 2014

To

Shri Tejendra Singh,  
428, Third Floor, Bhera Enclave,  
Pachim Vihar,  
New Delhi-110087.

**Subject:- Application under the RTI Act-2005-reg.**

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Sir,


Please refer to your RTI application dated 08.05.2014 received in this unit on transfer on 24.06.2014 for providing information on point No.(v) of your application.

2. In this regard, it is stated that the subject matter does not relate to this unit. The same may be related to Ministry of Civil Aviation. However, taking into account security considerations, instructions for imposing restriction on flying light, micro-light aircraft etc. are issued by MHA on certain national events like the Independence Day and Republic Day celebrations and during certain specific occasion where gathering of large number of high level dignitaries is expected, in consultation with Central Security Agencies. Further details in this regard are exempted under Section 24(1) of the RTI Act-2005.

3. A copy of your application is also being transferred to Ministry of Civil Aviation under Section 6(3) of RTI Act-2005 for providing information, if any, that may have on the subject directly to you.

4. An appeal if any, against this reply may be made within 30 days to Shri Sailesh, Joint Secretary (PP & VS) & Appellate Authority, Ministry of Home Affairs, 3<sup>rd</sup> Floor, NDCC-II Building, Jai Singh Road, New Delhi-110001.

Yours faithfully,

  
(Girish Kumar)  
Director (VS) & CPIO  
Tele:23438120  
Fax:23438077

Copy to:

1. Shri Rakesh Mittal, Director (IS-I) & CPIO, IS-II Division, MHA, North Block, New Delhi w.r.t. letter No.II/20034/20/2014-(IS-II)(pt) dated 13.06.2014.
2. Shri S.V. Ramana, Under Secretary & CPIO, Ministry of Civil Aviation, 'B' Block, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi alongwith a copy of RTI application of Shri Tejendra Singh.
3. S.O. (IT), MHA, North Block, New Delhi alongwith a copy of RTI application of Shri Tejendra Singh for disclosure on MHA website.

16151  
S. Rakesh Mittal  
Director, (IS - I) Secretary, Central Public Information Officer (CPIO)  
Ministry of Home Affairs, GOI  
North Block, New Delhi-110001

RTI-356/DIV (IS-1) / 24  
16/5/14

**APPLICATION FOR OBTAINING INFORMATION**  
**FROM MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA**  
**UNDER RTI ACT-2005**

I am a born citizen of India, I seek following information in written format. I am not below poverty line and will bear all expenses of the RTI. The details of application fee is: "Indian Postal Order of Rs. 10/- favoring "Accounts Officer, Ministry of Home Affairs" Payable at New Delhi.

I seek information on security aspects, permissions on manufacture, purchase, owning and operating (flying) small aircrafts such as Microlight aircrafts, Para Motors and Powered Hang Gliders in India.

Kindly provide information if Ministry of Home (MHA) Affairs know facts mentioned as under :-

- i. Para motor is a light aircraft that weighs between 50 kgs and 500 kg and can fly at altitudes from 5 feet up to 18,000 feet. It requires about 5 - 50 meters of distance to take off and can practically be launched from any location. It has capability in range for a few hundred kilometers and endurance of upto 3-6 hours. With large payload capabilities.
- ii. There is rampant commercial flying of Para Motor aircrafts by civil commercial organizations, individuals and foreign nationals in India particularly in states of Haryana, Punjab, Goa, Kerala and Maharashtra. Operators are operating without any DGCA/ MHA security clearance. Only obtaining permission from local police/ district authorities.
- iii. These aircrafts (Para Motors) are also being flown over an assembly of persons, over congested areas, in restricted areas like airfields, cantonments and near defence installations etc.
- iv. The DGCA has no rules/ laws and guidelines concerning operations and security clearance of civil commercial organizations, individuals and foreign nationals operating Para Motors.
- v. During the XIXth Commonwealth Games-2010 held in Delhi, Shri Balwant S. Dhingra Asstt. Commissioner of Police of the Sub-Division Prashant Vihar of Outer District made a written order prohibiting the flying of any flying object like paraglider, parasail, paramotor, remote-operated light aircraft, aeromodel, microlight aircraft, hang-glider, hot air balloon etc. within the territory of Prashant Vihar Sub-Division of the National Capital Territory of Delhi and its corresponding airspace. This order was passed in exercise of the powers conferred upon the Commissioner of Police, Delhi by Section 144 of the Criminal Procedure Code, 1973 read with Govt. of India, Ministry of Home Affairs, New Delhi's Notification No. U-11036/3/1978 (I)-UTL, 01.07.1978 and further delegated to the Asstt. Commissioner of Police, Sub division Rajouri Garden New Delhi vide Govt. of India, Ministry of Home Affairs, New Delhi's Notification No. F. No. 11.36/1/2010-UTL dated 09.09.2010. It is mentioned on Delhi Police website. Link is as follows:  
"<http://delhipolice.nic.in/home/backup/08-10-2010.doc>"

I seek information and documents on issues of security aspects by MHA for permissions on owning and operating (flying) small aircrafts such as Microlight aircrafts, Para Motors and Powered Hang Gliders referred as under with, copies of attested documents and file notings, decisions, sanctions where required and the case may be:

- i. What are requirements and considerations for grant of security clearance by the MHA for manufacture, purchase and operation of Microlight aircraft, Powered Hang Glider and Para Motor in India?

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- ii. Does the MHA recognize Para Motor as a Microlight or a Powered Hang glider class of aircraft as from security point of view with respect to manufacture, purchase, operation etc.
- iii. Is the Microlight aircraft, Powered Hang Glider and Para Motor permitted to fly by MHA within the territory of Delhi, Jammu and Kashmir or 50 kms from the international borders. If yes, please provide details for obtaining such a permit.
- iv. Are foreign nationals permitted to fly Microlight aircraft, Powered Hang Glider and Para Motors by the MHA. If yes, please provide detailed conditions for obtaining such a permit.
- v. Are there any restrictions imposed by MHA/DGCA to fly Microlight aircraft, Powered Hang Glider and Para Motors over an assembly of persons, over congested areas, in restricted areas including cantonment areas and near defence installations etc. If yes, please provide details and documents.
- vi. Is any government agency (other than defence) allowed exemptions to operate (fly) Microlight aircraft, Powered Hang Glider and Para Motors without obtaining MHA clearance. (The question pertains to Gliding Centre at Hadapsar, Pune where Para Motors of private clubs, individuals with commercial and non commercial motives is being undertaken on regular basis) If there is any such exception for any organization copy of the same may please be provided.
- vii. Provide a list of individuals and organizations that have been accorded security clearance by MHA for manufacture, purchase, operation etc. of Microlight aircraft in India in the last 20 years (1994-2014). Provide Copy of such approvals according them permission. Do these individuals and organizations also have the permission for manufacture, purchase, operation etc. for Powered Hang Glider and Para Motor.
- viii. Reference is drawn to Central Information Commission Case No. CIC/SS/A/2012/003614 dated 30<sup>th</sup> August 2013 (copy enclosed). The applicant was denied security clearance by MHA for manufacture, purchase, operation etc. of Microlight aircraft. The reason for denial security clearance by MHA for security reasons, which were based upon security inputs received from intelligence agency. Do the same security concerns apply for Para Motors, keeping in view the nature and potential of the Para Motor aircraft.

It is requested that information requested information be provided at the earliest. In case you are not the officer dealing with this RTI in Ministry of Home Affairs, kindly forward my application to the concerned dealing officer with information to me as per RTI Act 2005.

Yours truly,

*Tejendra Singh*

Tejendra Singh  
 428, Third Floor, Bhera Enclave,  
 Pachim Vihar, New Delhi-110087  
 E Mail : yaduvanshi33@yahoo.in  
 Mobile : +91 99-71-624600

Date: 8<sup>th</sup> May 2014

Enc: "Posta Order no. 21F 941789of Rs. 10/-"

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Central Information Commission  
Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,  
Bhikaji Cama Place, New Delhi-110036  
Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/A/2012/003614  
August 30, 2013

Appellant : Shri Umanand Sharma  
Respondents : Ministry of Home Affairs  
Date of Hearing : 30.08.2013

ORDER

The present appeal, filed by Shri Umanand Sharma against Ministry of Home Affairs (Internal Security), was taken up for hearing on 30.08.2013 when the Respondents were present through Shri S.K. Chhikara. The Appellant was present in person.

Facts of the case:

2. The Appellant filed an RTI application dated 20.01.2012 before the CPIO, Ministry of Home Affairs, New Delhi wherein he referred to the letters dated 27.12.2011 and 28.06.2011 of MHA and DGCA respectively informing the Appellant as follows:

CIC/SS/A/2012/003614

*Tejendra Singh*

"It is intimated that your request for operation of Microflight Aircraft cannot be acceded from security point of view."

In this context the Appellant wanted to know from the CPIO as to why he had been denied security clearance, and what is he supposed to do to obtain the same.

3. The CPIO vide his letter dated 14.02.2012 declined the disclosure of information to the Appellant citing exemption under sections 8(1)(a), 8(1)(g) and 8(1)(h) of the RTI Act. The CPIO also stated that information sought relates to an exempt organization, listed in second schedule of the RTI Act.

4. The Appellant, being aggrieved by the reply of the CPIO, filed an appeal dated 17.04.2012 before the Appellate Authority which the Appellate Authority decided vide his order dated 16.05.2012 recording that "the denial on which the Ministry of Home Affairs based its recommendations are inputs of organizations exempted under Section 24 of the RTI Act read with Schedule II. Hence the details as sought by the Appellant are exempted from the purview of the RTI."

5. Aggrieved by the order of the Appellate Authority, the Appellant filed the present appeal before the Commission

**Decision:**

6. During the hearing the Appellant states that he wants to know as to why he has been denied the security clearance for manufacture, purchase, operation etc. of microlight aircraft by the DGCA/MHA. The Respondents, while explaining the procedure, inform the Commission that the application/request for security clearance are sent by DGCA to MHA, which, in turn, seeks inputs from Intelligence Agency and that on receipt of inputs from the latter it (MHA) conveys the decision to DGCA which DGCA conveys to

*Tejendra Singh*

the applicant concerned. They inform that in this case the Appellant was denied the security clearance for security reasons, which were based upon the inputs received from the Intelligence Agency, which is an exempt organization under section 24 read with second schedule of the RTI Act.

7. Having heard the submission of the parties and perused the records, the Commission notes that that Appellant here has a grievance against the public authority for not granting the security clearance (for the purpose mentioned in the RTI application) to him which cannot be considered under the RTI Act as it lies beyond the purview of the RTI Act. The Appellant is thus advised to approach the appropriate forum for redressal of his grievance, if he so desires.

8. Appeal is disposed of accordingly.

(Sushma Singh)  
Information Commissioner

Authenticated by

(D.C. Singh)  
Deputy Registrar

*Tejendra Singh*

Address to the parties:

1. Shri Umanand Sharma  
Hindustan Aeronautics Ltd.  
Aircraft Research & Mass Properties Group  
5743-87402-82, Old Airport Road  
Marathahalli Post  
Bangalore 560037
2. The Central Public Information Officer (RTI) -  
& Director (Internal Security-I)  
Ministry of Home Affairs  
North Block  
New Delhi 110001
3. The Appellate Authority (RTI)  
& Joint Secretary (Internal Security-I)  
Ministry of Home Affairs  
North Block  
New Delhi 110001

Tejendra Singh

गृह विभाग  
Ministry of Home Affairs

जी. ए. आर. 6 / G. A. R. 6  
(नियम 22(1) देखें) (See Rule 22(I))

IS II

रसीद / RECEIPT

क्र. /No. ... 29760

दिनांक 20  
Dated 16/07/2014

श्री/श्रीमती/कुशी  
Received From Shri/Smt./Kshatriya Tejendra Singh

के पत्र संख्या/संदर्भ संख्या के द्वारा  
with Letter No./Reference No. के दिनांक 20  
Dated 20

बैंकर का चेक/ड्राफ्ट/भारतीय पोस्टल ऑर्डर संख्या  
Banker's C/cheque/Draft/Indian Postal Order No. 915 941780

के रूप में रुपये की नकद द्वारा  
the sum of Rupees by Cash

सूचना के अधिकार अधिनियम, 2005 के तहत हेतु प्राप्त की।  
on account of fee under Right to Information Act 2005.

[Signature]  
अधिकारी / Initials

रुपये / Rs. 101

पदनाम / Designation