



Government of India

**MOST IMMEDIATE**  
**Time Bound**  
**By Speed Post**

No. 9/7/2013-NE-II  
Government of India / भारत सरकार  
Ministry of Home Affairs / गृह मंत्रालय  
NE Division / पूर्वोत्तर प्रभाग

North Block, New Delhi – 110001  
नॉर्थ ब्लॉक, नई दिल्ली – 110001

Dated May, 2013

15 MAY 2013

## Order

**Sub: First Appeal filed by Shri Dipankar Khanna under Section 19(1) of the RTI Act, 2005.**

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Whereas this Division received an RTI application dated 04.01.2013 (on transfer from Ministry of External Affairs on 29.01.2013) seeking information regarding "Movement of Tai Situpa in India/abroad.

2. I find that the CPIO had responded to the RTI application vide letter dated 31.01.2013. The applicant vide his letter dated 24.02.2013 had sought some additional information regarding "restriction of movement of Tai Situpa in India & Abroad". The CPIO after examining the same again responded vide response dated 13.03.2013. The applicant has now filed an Appeal dated 26.03.2013 against CPIO's reply dated 13.03.2013. The applicant in his Appeal has challenged CPIO's reply dated 13.03.2013 on the ground that the CPIO has not given any reason in support of his reply that the information is exempt from disclosure under section 8(a) of the RTI Act, 2005.

3. The matter has been examined in the light of the grounds advanced in the Appeal and the response of the CPIO. Whereas it is observed that the CPIO has examined the issue raised by the applicant thoroughly and had furnished the reply appropriately in accordance with the provisions stipulated under RTI Act, 2005.

4. HH Tai Situpa is a foreigner and he does not presently hold Certificate of Identity issued by the Government of India. Restriction on HH Tai Situpa is a security related concern and therefore is exempt from disclosure under section 8(1) (a) of the RTI Act, 2005.

- 5. Thus, the appeal stands disposed off accordingly.
- 6. An Appeal, if any, lies on the Central Information Commissioner, New Delhi, within a period of 90 days from the date of receipt of this communication.

Yours faithfully,

*[Handwritten Signature]*  
 15/5/2013  
 (Shambhu Singh)

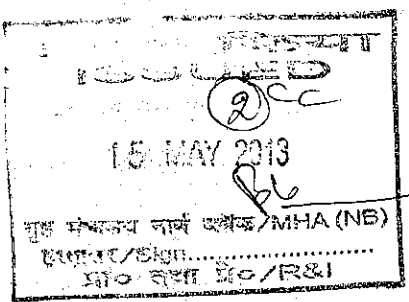
Joint Secretary & Appellant Authority  
 Telefax :23094648

To

*[Handwritten checkmark]*  
 Sh. Dipankar Khanna,  
 S/o Krishen Lal Khanna,  
 B 1207-1208 Mantri Tranquil,  
 Gubbalala Village,  
 Banglore 560061

Copy to:-

- [Handwritten checkmark]* 1. Shri Satpal Chauhan, Joint Secretary (Admn) & Nodal Officer (RTI), Ministry of Home Affairs, Room no. 9, North Block, New Delhi *By Hand*  
*15-5-13*
- [Handwritten checkmark]* 2. Sh. Shambhu S. Kumaran, Director (East Asia), Ministry of External Affairs, New Delhi



Appl 82/RTZ/2013  
5/4/13

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26<sup>th</sup> March 2013

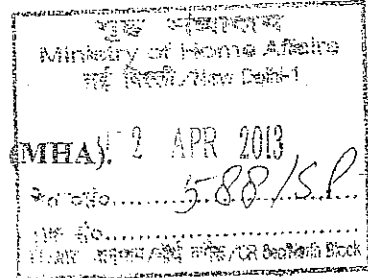
BEFORE SHRI. SHAMBHU SINGH JOINT SECRETARY (NE) AND THE COURT OF FIRST APPEAL UNDER THE RTI ACT OF, 2005

APPEAL UNDER SECTION 19 OF THE RTI ACT, 2005 AGAINST DEEMED REFUSAL OF INFORMATION UNDER RTI ACT, 2005

DIPANKAR KHANNA ..... APPELLANT

VS.

CPIO & DIRECTOR CPIO, MINISTRY OF HOME AFFAIRS (MHA)



The appellant submits as under:

1. The appellant had made an application on 04.01.2013 under the RTI Act, 2005 to the Ministry of External Affairs (MEA) seeking information to the special restrictions imposed on the movement of H.H. Tai Situpa.
2. Vide letter dated 08.01.2013 bearing No. RTI/551/22/2013 the Under Secretary (RTI) informed me that since the information sought pertained to the Ministry of Home Affairs, my application had been forwarded to the Ministry of Home Affairs. A copy of the letter is annexed hereto and marked Annexure I
3. The Director and CPIO in the Ministry of Home Affairs by his letter dated 31.01.2013 bearing No. 9/7/2013-NE-II instead of providing the necessary information merely stated that since Tai Situpa (TSR) is not a citizen of India his movement within India is subject to Rules, Regulations and other Security concerns. A copy of the said letter is annexed hereto and marked Annexure II.
4. The aforesaid reply clearly evades information asked for as the information sought for by me was also with regards to the restrictions imposed on H.H. Tai Situpa on his travels outside India and not only on his travels within our the country and on which there is no restriction for providing information within the RTI. Therefore the question of alleged "security concerns" has been raised with a view to deny information asked for by me. The reply therefore amount to deemed refusal to furnish information or denial of information by falsely bringing in the question of "security concerns" in order to falsely claim the immunity from furnishing information to which I am rightfully entitled.
5. In order to sort out the matter and make CPIO appreciate the matter, I, in my letter dated 24.02.2013 furnished clarifications. A copy of the letter is annexed hereto and marked Annexure III.

Appeal

IS(NE)

RTI

*[Handwritten Signature]*

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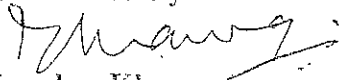
6. By his letter dated 13.03.2013 bearing No. 9/7/2013-NE-II the CPIO falsely claimed that the additional information is exempted from disclosure under section 8 (1) (a) of the RTI Act, 2005. While doing so, the PIO has not given any reasons. The copy of the said letter is annexed hereto and marked Annexure IV.
7. While all along it has been contented by the MEA that the matter concerned the MHA, surprisingly CPIO Ministry of External Affairs by his letter dated 08.02.2013 bearing number E/551/02/2013-RTI has informed that H.H. Tai Situpa is not an Indian citizen and therefore a foreigner and therefore falls outside the purview of the RTI Act, 2005. Also it has been claimed that the information sought is exempt under section 8 (1) (a) of the RTI Act, 2005. A copy of the aforesaid letter is annexed hereto and marked annexure V.
8. It is strange that while the PIO first took a stand that the matter concerned the Ministry of Home Affairs and MHA did not send a reply (which itself amounted a deemed refusal of information) in a complete volte face the same PIO has now under his letter 08.02.2013 has not given the reasons to claim that H.H. Tai Situpa being a foreigner, the information concerning him is not covered under section 8 (1) (a) of the RTI Act, 2005. The POI has thereby admitted that the information sought concerned the MEA and I have been mistakenly led to believe that the concerned matter was with MHA.

In order to refute the contention taken with regard to the citizenship of H.H. Tai Situpa, I draw attention to my contentions in paras 2 to 8 of my letter dated 03.03.2013 addressed to Shri Shambhu S. Kumaran, the Appellate authority in MEA. A copy of my letter is annexed hereto and marked as Annexure VI. No reply has been given to me to the said letter.

9. Aggrievedly the deemed refusal/attempted denial of information, I hereby file this appeal against the order of the CPIO under section 19 of the RTI Act, 2005

With kind regards

Yours Sincerely

  
Dipankar Khanna

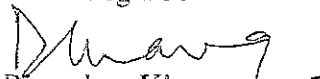
s/o Krishen Lal Khanna

B 1207-1208 Mantri Tranquil, Gubbalala Village,  
Off Kanakapura Main Road , Bangalore 560061,

*Encl. as above*

Verificator: I affirm that what is stated herein above is true to my knowledge and belief.

Kind Regards

  
Dipankar Khanna

From: Dipankar Khanna  
S/o Krishna Lal Khanna 64  
B1207 Mantri Targumul  
Chakradala Village  
off Koralapur Road  
Bangalore 560061

To,  
Shri Shanku Singh  
Joint Secretary (NE)  
Room No 109-C  
North Block  
New Delhi-110001

Date: 24<sup>th</sup> Feb 2013

Subject: Information sought under Right to Information Act, 2005, reg.

Ref: 1) Your letter dated 31-01-2013  
2) My application dated 4-1-2013 (received by you on 29-01-2013)  
on transfer from MEA vide their letter NO RTI/551/22/2013  
dated 8-1-2013.

Dear Sir,

I wish to pursue with my enquiry to gain more clarity from you on the basis of the following situation and grounds.

1. Tibetan Lama H.H. Tai Situpa is holding a Bhutanese Diplomatic passport. Can he travel to Bhutan and to other countries outside India and return to India where he has been residing in India since 1959 from age of 8 years old child?
2. As you know he is the head of one of the largest Tibetan Buddhist monastary, Sherablip in upper Bhutu, via Baijnath District Kangra in Himachal Pradesh.
3. There was restriction imposed on his entering India in 1994 which since has been cleared on the grounds that all issues pending have been cleared and has was given a clean chit - having been cleared satisfactorily and to the satisfaction of the Indian government. If this is not so please inform under RTI what grounds you have or what reservations your ministry may be having.

4. So in case there are any causes or conditions that your ministry/office is holding against the free and unfettered travel of Tibetan Lama H.H. Tai Situpa (being one with diplomatic passport from Bhutan - since even an ordinary Bhutanese citizen is free to travel in and out of India without a passport to visit and we enjoy a reciprocity with them) which will disallow him to enter India once he leaves, and which details are not known to ordinary citizen of India and for which I have requested information under the Right to Information Act, 2005, which please furnish. I would be glad to hear your kind reply at the earliest. Thank you

Yours Sincerely  
Dipankar Khanna  
24/2/2013  
DIPANKAR KHANNA