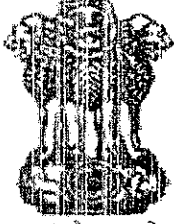


IMMEDIATE
RTI Matter
By Speed Post



Government of India

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 28th February, 2014

To,

Shri Karma Tshutlim Bhutia,
S/o Late Karma Gamphu Bhutia,
Shikari Tar Chenjey,
Rumtek-737125
East Sikkim,

Sub: Appeal under Sec. 19(1) under Right to Information Act, 2005-reg

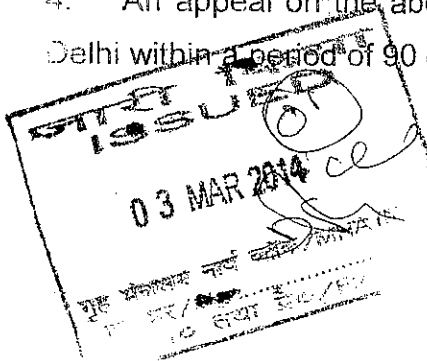
Sir,

This has reference to your 1st appeal dated 24.1.2014 against the reply given by CPIO, NE-II Section, MHA, Vide letter of even no. dated 30.12.2013 in response to your RTI application dated 30.11.2013 seeking information under RTI Act, 2005.

2. I have gone through the reply dated 30.12.2013 given by the CPIO. The issue relating to Ugyen Thinley Dorje (UTD) is a subject matter of Cabinet Committee on Security (CCS), whose deliberations are exempt from disclosure under section 8(1) a) of RTI Act, 2005.

3. Accordingly, your 1st appeal dated 24.01.2014 stands disposed off.

4. An appeal on the above lies with the Central Information Commissioner, New Delhi within a period of 90 days from the date of receipt of this communication.



Yours faithfully,

(Shambhu Singh)

Joint Secretary & Appellant Authority
Telefax :23094648

CINo: 233555/RTI/NE/14.

NEJ/D/Secy
14/2/14

4/2

Matter is sub-judice!

Cluj
4/2/14

SO (NE-D)

To

Shri Shambhu Singh,
Joint Secretary (NE),
Room No. 109-C,
Ministry of Home Affairs,
North Block,
New Delhi-110001

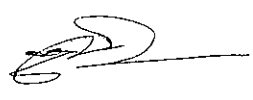
Sub:- Appeal Under Right to Information Act, 2005

Sir,

I, had filed an application dated 30.11.2013 under Right to Information Act, 2005 before Central Public Information Officer, Ministry of Home Affairs, seeking information as to whether there is any request from any corner including Ogyen Trinley Dorje, a claimant to the title of His Holiness the 17th Karmapa seeking permission to allow him to visit Sikkim along with other related questions. The copy of the application dated 30.11.2013 is annexed herewith as **Annexure A-1.**

I, received the letter dated 30.12.2013 from the CPIO informing me that the information sought by me is exempted from disclosure under section 8 (a) of RTI, Act, 2005. The copy of the letter dated 30.12.2013 is annexed herewith as **Annexure A-2.**

In my RTI application I have merely asked about the status of application and the decisions of the Ministry which



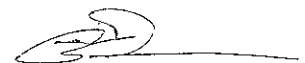
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would otherwise will be in public domain expressly or impliedly in near future. Moreover, there are media reports in Sikkim that followers of Ogyen Trinley Dorje are endeavouring to get the requisite permissions with regard to his visits Sikkim, therefore, the question as to whether any application is made or is pending for consideration before the ministry in no manner can be a classified or sensitive information under section 8 (1)(a) of the RTI Act, 2005.

Vide my application dated 30.11.2013, I have not asked the classified deliberations of the ministry on the issue, this the information sought by me in no manner would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence. Right to information has been explicitly held to be a fundamental right under Article 19 (1) (a) of the Constitution of India. Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore is to be strictly construed. It should not be interpreted in manner as to shadow the very right itself.

Thus the letter 30.12.2013 denying the informations sought by me under the garb of section 8 (1)(a) of the RTI,




Act impinges upon my fundamental right and the informations sought do not qualify the exemption enumerated under section 8 of the RTI, Act 2005.

I humbly pray before you to kindly allow my appeal and direct the concerned officer to give the informations sought by me in my application dated 30.11.2013.

Thanking you,

Gangtok: 24/01/2014

Sincerely yours,



Shri Karma Tshutlim Bhutia,
S/o Late Karma Gamphu Bhutia,
Shikari Tar Chenjey,
Rumtek-737135,
East Sikkim.

Application under RTI 2005

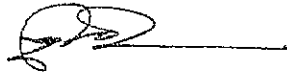
To
Central Public Information Officer
Ministry of Home Affairs
Government of India
New Delhi

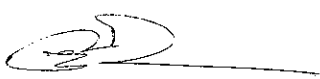
1. Name of Applicant : Karma Tshutlim Bhutia
2. Father's Name : Late Karma Gamphu Bhutia
3. Address : Shikari Tar,
Chenjey, Rumtek-737135
East Sikkim
4. Mobile Number : 8972941892
5. Specify the particulars of the Information sought for : As attached in Annexure A
6. Whether the information sought for is required in a separate paper : In printed form
7. Whether application fee of Rs 10 (Rupee Ten) paid and if so, please specify mode of payment. : Vide IPO in Annexure B

Declaration of the Application:

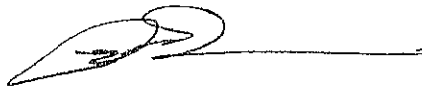
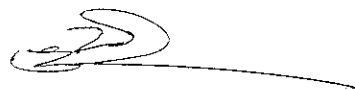
I am a bonafide citizen of India and owe allegiance to the sovereignty, unity and integrity of India and have not voluntarily acquired the citizenship of another country (Voter's Card attached in Annexure C).

Place: Gangtok
Date: Nov 30, 2013


Signature of Applicant
Karma Tshutlim Bhutia



1. Is there any request from any corner including Ogyen Trinley Dorje, a claimant to the title of His Holiness the 17th Karmapa seeking permission to allow him (Ogyen Trinley Dorje) to visit Sikkim?
2. Has this Ministry entertained or granted any such permission to to him?
3. If yes, kindly provide a certified copy of such order.

A handwritten signature in black ink, consisting of a stylized, cursive initial followed by a horizontal line extending to the right.A second handwritten signature in black ink, similar in style to the first, with a stylized initial and a horizontal line extending to the right.

RTI MATTER
MOST IMMEDIATE
BY SPEED POST



No.9/7/2013 -NE-II
Government of India / भारतसरकार
Ministry of Home Affairs / गृहमंत्रालय
NE Division / पूर्वोत्तरप्रभाग

North Block, New Delhi – 110001
नॉर्थब्लॉक, नईदिल्ली – 110001
Dated: 30th Dec., 2013

To

✓ Shri Karma Tshutlim Bhutia,
Shikari Tar Chenjey,
Rumtek – 737 135
East Sikkim.

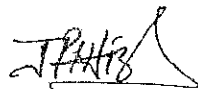
Subject: **Information under Right to Information (RTI) Act, 2005**

Sir,

Please refer to your RTI application dated 30th November ,2013 seeking information under RTI Act, 2005.

2. The information sought by you is exempted from disclosure under Section 8(a) of the RTI Act, 2005.
3. An appeal on the above lies with Shri Shambhu Singh, Joint Secretary (NE), Room No. 109-C, Ministry of Home Affairs. North Block, New Delhi-110 001.

Yours faithfully,


(J.P.N. Singh)
Director (NE) & CPIO

✓ Copy to:
RTI Section, MHA – for information.

