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CR. 147234/JS(UT)/13
7/8/13

To
UTS-1 Desk/MHA
Dy. No. 122 - RTI
Date 12/8/13

Sh. K.K. Pathak,
Joint Secretary (U.T),
(First Appellate Authority),
Ministry of Home Affairs,
North Block, New Delhi-110001.

Director (Services) MHA
Dy No. 2-385-RTI
Date - 07/08/2013

Subject :- Submission of First Appeal under section 19 (1) of RTI Act-2005-
Supply of documents.

Sir,

Reference Director and Central Public Information officer's office letter No. 14039/43/2013-UTS.I, Govt. of India, Ministry of Home Affairs, North Block, New Delhi-110001, dated 12/07/2013 (copy enclosed) regarding Non providing of information/ Certified copies of Note Sheets containing notings from lower functionaries to the competent authorities etc. required by the under signed vide two RTI applications dated 25/06/2013 (Copies enclosed).

Vide letter dated 12/07/2013 referred to above Director and Central Public Information officer has stated that the information sought cannot be shared at this stage in terms of Section 8(1) (g) & 8(1)(h) of the RTI Act-2005 and Para 10 and 11 of CIC's decision No. CIC/AT/A/2007/00333 dated 17/08/2007.

In this connection, I want to submit my First Appeal under section 19 (1) of RTI Act-2005 before your good self against the denial of providing the copies of documents as was requested in my RTI applications dated 25/06/2013 on the baseless plea.

The information has been denied on the basis of exceptions under Section 8 (1)(g) and 8 (1)(h) of RTI Act-2005. It is made clear that Section 8 (1)(g) is not applicable at all under the facts and circumstances of this case. It is further submitted that Section 8(1)(h) states as under:-

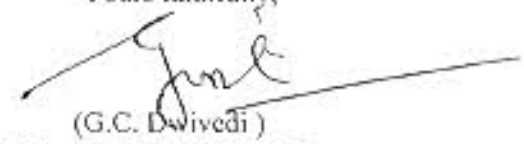
" Information which would impede the process of investigation or apprehension or prosecution of offenders". It is evident that this exception is in relation to the investigation of criminal cases, arrest or prosecution of criminals (offenders). Thus, the enquiry under disciplinary proceeding is not covered in the exceptions of Section 8(1)(h).

In view of the position explained above, it is requested that the Director and Central Public Information officer, MHA may kindly be directed to provide me (1) the copies of Note Sheet containing the noting portion from the lower functionary to the competent authority relating to the all correspondences and the enquiry reports (conducted by Ms Meena, Joint Secretary, MHA and Justice (Retired) Mrs Usha Mehra on the basis of which Memorandum No. F. No. 14046/109/2012-UTS-I, MHA, dated 14/03/2013 containing statement of articles of charges etc was issued and served upon the undersigned. (2) All correspondences regarding examining my reply dated 22/03/2013 in pursuance of Memorandum No. F. No. 14046/109/2012-UTS-I, MHA, dated 14/03/2013 on the basis of which order No. F. No. 14046/109/2012/UTS-I, MHA, dated 21/05/2013 appointing enquiry officer and presenting officer has been issued.

It is also requested that the reply in this regard may be furnished to the under signed at the given address.

Thanking You,

Yours faithfully,


(G.C. Dwivedi)

R/o A-2, Type-V, New Police Lines,
Kingsway Camp, Delhi-110009.

Dated 07.08.2013


Dy. No. 2-385-RTI
Date - 07/08/2013

F. No. 14039/43/2013-UTS.I
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001

Dated the 16th August, 2013


ORDER

Sh. G. C. Dwivedi has preferred an appeal dated 07.08.2013 stating that he has not been supplied the requisite information to his two RTI applications dated 25.06.2013.

2. Sh. G. C. Dwivedi in his applications dated 25.06.2013 sought information which are exempted and not relevant to disclose in terms of section 8 (1) (g) and (h) of the RTI Act, 2005 and Para 10 and 11 of CIC's Decision No.CIC/AT/A/2007/00333 dated 17.08.2007, the CPIO vide this ministry's letter dated 11/12th July,2013 had provided the relevant reply to the applicant informing that "the information sought cannot be shared at this stage in terms of section 8(1) (g) & 8(1) (h) of the RTI Act 2005 and Para 10 and 11 of CIC's Decision No.CIC/AT/A/2007/00333 dated 17.08.2007."

3. The appeal filed by Sh. G. C. Dwivedi has been carefully considered and it is found that the aforesaid reply/decision of the CPIO with reference to his two RTI applications dated 25-06-2013 is in conformity with the Right to Information Act, 2005

4. The appeal is accordingly disposed of.


(K.K.Pathak)
Joint Secretary (UT) &
Appellate Authority

To

Shri G. C. Dwivedi,
R/o A-2, Type-V, New Police Line,
Kingsway Camp, Delhi,
New Delhi-110009

o/c

