RTI Matter

F.No.13030/9/2014-K.II
Government of India
Ministry of Home Affairs
K-II Desk

Room No. 92 B
North Block, New Delhi.
Dated: 27th August, 2014.

To

Sh. Anil Bairwal,
B-1/6, Hauz Khas,
New Delhi-110016

Sub: Furnishing of information under RTI Act, 2005 regarding Case No. CIC/SS/C/2013/000032/VS/07360 received from Hon'ble Information Commissioner, CIC.

Sir,

I am directed to refer to the Hon'ble Central Information Commission's Order dated 25.07.2014 in the case No. CIC/SS/C/2013/000032/VS/07360 received by the undersigned on 25.08.2014 on being transferred by UTP Division to all CPIOs of MHA vide their letter No. 14036/113/2012-UTP dated 20.08.2014 for providing of information on points 5,6 and 7 of your RTI application dated 29.08.2011.

2. In this regard, it is stated that K-II Desk of J &K Division, MHA is not concerned with the matter mentioned in your RTI application and hence we have no information to disclose.

3. The Appellate Authority in this matter is Shri R.K. Srivastava, Joint Secretary (Kashmir), Room No. 127-A, North Block, New Delhi.

Yours faithfully,

(Mrs. Sulekha)
Deputy Secretary & CPIO
Tel.No. 23092696

Copy to:

(i) Ms. Chitra Narayan, Under Secretary (DP) & CPIO in r/o letter No. 14036/113/2012-UTP. dated 20.08.2014.
(ii) Section Officer (IT Cell) for uploading the reply alongwith RTI application on MHA's website.

MOST IMMEDIATE
RTI MATTER

No. 14036/113/2012-UTP
Government of India
Ministry of Home Affairs

North Block, New Delhi
Dated the 20th Aug 2014

To

Shri Anil Bairwal
B-1/6, Hauz Khas,
New Delhi-110016

Subject: Furnishing information under RTI Act, 2005 regarding Case No.CIC/SS/C/2013/000032/VS/07360 received from Hon'ble Information Commissioner, CIC.

Sir,

I am directed to refer to the Hon'ble Central Information Commission's Order dated 25.07.2014 in the case No.CIC/SS/C/2013/000032/VS/07360.

2. As far as this CPIO is concerned, 3 requests from Delhi Police seeking permission were received which were not acceded to as conveyed vide this Ministry's letter No.16014/08/2011-UTP dated 21 July 2011 (copy enclosed). Also, at present no request from Delhi Police etc. seeking such permission is pending with this CPIO.

Yours faithfully,

Encl : as above

(Chitra Narayan)
CPIO & Under Secretary (DP)

1. Shri Vijai Sharma, Hon'ble Information Commissioner, Central Information Commission, Room No.4, Club Building , Old JNU Campus, New Delhi-110067 – for information in compliance with order in case No.CIC/SS/C/2013/000032/VS/07360 dated 25.7.2014.
2. All CPIOs of MHA- A copy of RTI application of Shri Anil Bairwal dated 16.09.2011 and Hon'ble CIC order dated 25.07.2014 are enclosed with the request to furnish information (including nil information) directly to the applicant, as directed by Hon'ble CIC.

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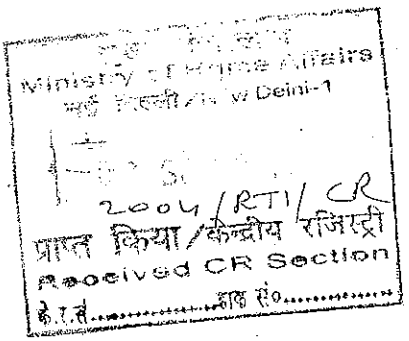
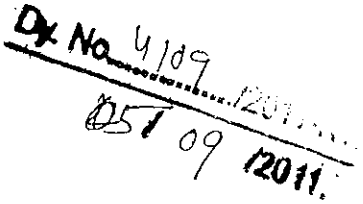
Letter No. ADR07/RTI/HMin/01

29/08/2011

To, The CPIO
Ministry of Home Affairs, North Block
Central Secretariat
New Delhi - 110 001
Phone: 23092161,23092011
Fax: 23093750, 23092763





Subject: Request under the RTI Act 2005.

Dear Sir/Madam,

Under the RTI Act 2005 the following information is sought from your kind office.

1. Under what rules Delhi police sought MHA's permission to interrogate Amar Singh as per recent news reports?
2. Kindly give us a copy of the Rules under which the Police is required to do so.
3. Are there any guidelines to be followed by the MHA in granting such permissions? Please give us a copy of any such rules/guidelines.
4. How many times has the Delhi Police, CBI or anyone else approached MHA for these types of permission in last 10 years?
5. How many such permissions were granted and in what time and how many were not granted and reasons thereof.
6. How many such requests for investigation/prosecution of elected representatives are pending with the Home Ministry at present?
7. Please provide us the details of the same (point 6).

Dir (Delh) DoPT

The request is being made as per the provisions in Section 6 of the RTI Act 2005. A postal order of Rs.10/- (Rupees ten only), bearing No. 92E 387144 has been attached towards payment of the application fee as required. Kindly intimate me any additional fee payable. I would like to receive the aforesaid information by registered post in my office address given below. We look forward to your cooperation.

Your kind co-operation and prompt response in this matter is requested.

Thanking you in advance,

Anil Bairwal

Anil Bairwal
National Coordinator
Association for Democratic Reforms
B-1/6, Hauz Khas, New Delhi- 110016
Phone – 011 40817601

Central Information Commission
Room No.4, Club Building
Old JNU Campus, New Delhi - 110 067.
Tel No: 011 - 26106140

Decision No.CIC/SS/C/2013/000032/VS/07360
Appeal No. CIC / SS/C/2013/000032//VS
Dated: 25.07.2014

Complainant: Shri Anil Bairwal
B-1/6, Hauz Khas
New Delhi-110016

Respondent: Central Public Information Officer/
Director Delhi, M/o H.A.
North Block
New Delhi-110001

Date of Hearing: 09.07.2014

ORDER

Facts

1. The complainant filed an application dated 16.09.2011 under the RTI Act seeking information regarding the reason for seeking permission from MHA to interrogate Shri Amar Singh by Delhi Police, rules pertaining to Delhi Police, guidelines to be followed by MHA in granting permission, details of permission given in similar cases, etc. CPIO responded on 16.09.2011. Copy of first appeal and FAA's order are not enclosed. Complainant filed this present appeal on 05.12.2012.

Hearing

2. Respondent was present before the Commission.

3. Respondent referred to the RTI application of the complainant and stated that the complainant was seeking information regarding the reason for seeking permission from MHA to interrogate Shri Amar Singh by Delhi Police, rules pertaining to Delhi Police, guidelines to be followed by MHA in granting permission, details of permission given in similar cases, etc.

4. Respondent stated that regarding point no. 1 of the RTI application, as Shri Amar Singh was a member of Rajya Sabha, the matter was referred to the MHA as per practice and procedure applicable in such cases. Respondent stated that the MHA informed the Delhi Police about certain

guidelines where the investigation agency could decide its own course action.

5. Respondent stated that regarding point no. 2 of the RTI application, copy of the relevant extracts of practice and procedures had already been provided to the complainant on 08.10.2012.

6. Respondent stated that regarding point no. 3 of the RTI application, the MHA had informed the complainant that the desired information was available on the website of the Rajya Sabha. Respondent stated that if the complainant required certain clarification, additional documents would also be provided to the complainant.

7. Respondent stated that regarding point no. 4 of the RTI application, there were three occasions when permission was sought from the MHA and this was informed to the complainant on 16.02.2012.

8. Respondent stated that regarding point no. 5 of the RTI application, information was not readily available with the respondent organisation.

9. Regarding point no. 6 and 7 of the RTI application, respondent said that information was required to be collected from other departments and that would be provided to the complainant.

10. Complainant did not participate in the hearing.

Decision

11. Respondent is directed to provide to the complainant, within 30 days of this order, the information on points 5, 6, and 7 of the RTI application.

The complaint is disposed of. Copy of decision be given free of cost to the parties.

Vijai Sharma

(Vijai Sharma)
Information Commissioner

Authenticated true copy:

(V.K. Sharma)
DO & Deputy Registrar