

No. 27011/51/2014-R&W
Government of India
Ministry of Home Affairs
Police Division-II
[Resettlement and Welfare Directorate]

North Block, New Delhi-01
Dated, July, 2014.

ORDER**14 JUL 2014**

Subject: Appeal filed by Shri N. Sharma, Nasirpur, Dwarka, New Delhi-45 under Right to Information Act 2005- regarding.

Whereas an appeal has been filed under Right to Information Act, 2005 by Shri N. Sharma, 27, Pocket-6/3, DDA Flats, Nasirpur, Dwarka Phase-1, New Delhi-45 before the Appellate Authority vide his letter dated 29/05/2014 received in R&W Directorate on 17/06/2014 stating that CPIO has refused/denied to provide the requisite information.

2. Whereas I have gone through the concerned file and found that the application of Shri N. Sharma seeking information under RTI Act 2005 was received in R&W Directorate on 12/05/2014 and CPIO has provided the information available with him in respect of point No.1 within stipulated period. CPIO also transferred the application to the concerned Public Authority i.e. CPIO of ITBP, CRPF and BSF in respect of point No. 2 to 6 under section 6(3) of RTI Act for providing the information. The reply given by CPIO vide his letter dated 22/05/2014 reads as under :-

Sr.	Points	Reply
1	Are the Central Armed Police Forces (CAPFs) i.e. Central Reserve Police Force (CRPF), Border Security Force (BSF) and Indo-Tibetan Border Police (ITBP) functioning under administrative control of Ministry of Home Affairs (MHA).	CAPFs i.e. CRPF, BSF, CISF, ITBP and SSB are functioning under administrative control of Ministry of Home Affairs.
2	Has MHA accorded permission to above organization to form Wives Welfare Association by the names of Himveer Wives Welfare Association (HWWA) in ITBP, CRPF Wives Welfare Association (CWWA) in CRPF and BSF Wives Welfare Association (BWWA) functioning in these organizations? If yes then, what are the terms and conditions? Please provide copy of these permission letters/notification. If MHA has no accorded permission then, under what provisions of rules these associations are formed. A copy of these rules may please be provided.	Point 2 to 6 relate to Wives Welfare Association of ITBP, CRPF and BSF and no such information is available with R&W Directorate in this regard.
3	Please specify whether these wives welfare associations i.e. HWWA, CWWA and BWWA are Government of India bodies functioning under the respective CAPF, Ministry of Home Affairs, Government of India or purely private organizations.	Therefore, your RTI application is being transferred to CPIOs of ITBP, CRPF and BSF to furnish the requisite reply/ information on point 2 to 6 under RTI Act 2005.
4	Is the MHA providing Government funding to these wives welfare associations through the respective CAPF? If not, then what is the source of funding of these associations?	
5	Are these CAPFs obliged to maintain these associations and control / participate in their functioning in any way? If yes, then to what extent. Are the CAPFs permitted to make available/provide the government employees serving in these CAPFs for various works relating to the functioning of these associations.	
6	Are the CAPFs permitted to make available / provide the government resources like land, buildings and other articles purchased out of government funds to these wives welfare association for further functioning.	

Contd-2

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3. Whereas, I also find that there is nothing wrong on the part of CPIO to transfer the application to CPIO of ITBP, CRPF and BSF for providing information on point No. 2 to 6, as no such information was available with CPIO.

4. However, I feel that Resettlement and Welfare Directorate should have possessed the information relating to Wives Welfare Associations in ITBP, CRPF and BSF. CPIO is therefore directed to obtain the requisite information from ITBP, CRPF and BSF and provide the same to the appellant within seven days. The appeal is disposed of accordingly.



(Dr. Nirmaljeet Singh Kalsi)
Joint Secretary to the Govt. of India
The First Appellate Authority

1. Deputy Secretary (PMA) & CPIO
2. Appellant - Shri N. Sharma,
27, Pocket-6/3, DDA Flats, Nasirpur, Dwarka Phase-1, New Delhi-45

Internal:-

1. PS to JS (P-II)
2. PS to DS (PMA)
- ✓ SO (IT)- for uploading on the MHA website.

26/6/14

RTI Request & Appeal Management Information System(RTI-MIS)

HOME SEARCH ASSESSMENT COMMENTS RECEIVED FROM CPIO CORRESPONDENCE LETTER REPORTS UTILITY
USER MANUAL LOGOUT

ASSESSMENT OF NEW APPEAL

Public Authority: Ministry of Home Affairs Role : Appellate Authority User : Dr. N. S. KALSI(P II)

Fields prefixed with * are mandatory
Registration No. : MHDME/A/2014/60182 View RTI Request Details
Appeal is received by : Online Receipt
Date of Receipt : 29/05/2014
Name : N Sharma
Gender : Female
Address : 27, Pocket-6/3, DDA Flats, Nasirpur, Dwarka Phase-1, New Delhi, Pin:110045
Phone No : Details not provided
Mobile No : +91-
Email Address : 22n.sharma@gmail.com
State : Details not provided
Country :
RTI Request Registration No. : MHDME/R/2014/61076/1
RTI Request Registration Date : 29/05/2014
Appeal Letter No. : Details not provided
Appeal Letter Date : Details not provided
Citizenship Status : Indian
Is Appellant Bellow Poverty Line? : No
Does it concern the Life or Liberty of a Person? : Details not provided.
Name of CPIO : Name of CPIO is not given.
CPIO's Order/Decision No. : Details not provided
Date of Receipt of CPIO's Order/Decision : Details not provided
Ground for Appeal : Refused access to Information Requested

Prayer or Relief Sought : Appeal is hereby made against the refusal/denial to provide the sought information. It is refusal due to following reasons: 1) Reply violates the section 6(3) because in case the information was not available with CPID as alleged in reply, the application should have been transferred with in 05 days of receipt to appropriate CPIO. But it has been actually transferred more than 20 days after the receipt. 2) All the information sought is directly related and relevant to the decisions,rules, policies, implementations and actions taken by MHA and not any other public authority as stated in the reply. The other public authorities quoted in the reply are only working and taking all actions as per the decisions,rules and policies framed by MHA. As such, if the information is held by under control departments then it must be held by MHA also as they report to MHA directly being their controlling authority. 3) The reply also infringes and violates the section 5(3) & 5(4). These sections make it obligatory for MHA CPIO to provide reasonable assistance to the extent of even obtaining the required information from any officer under them to provide information to applicant. These sections have been thoroughly violated as no such assistance has been considered by MHA CPIO. It would have required MHA CPID to merely ask/direct Shri Vikas Chandra, DIG (pers) BSF, Ms. Anupam Kulshresitha, DIG (Admn.),CRPF and Shri S.S. Hartha, DIG (Pers), IITP for required inputs, if any required, to formulate the information sought much faster/easier. All these officers are under control of MHA and MHA could have easily taken any input from them if at all absolutely required for disseminating the sought information. 4) By transferring the application to above officers, not only the delay has been created, but also a possible attempt has been made to deny the sought information by taking wrongful and unethical recourse to section 24 of the act that exempts these organisations from disclosing any information. Thus the sought information is well

JS (PE)

Dir (Pers)

IC (PE) A. Navendu 26/6



O.L-RTI-22/JS (PE)/2014

within the custody and purview of the MHA CPIO. It has been deflected, delayed and denied to the applicant. It is, therefore, appealed to set aside the reply of CPIOs of MHA with direction to provide the sought information and imposition of the penalties that their actions attract under RTI Act 2005 for denial/delay.

Reason for delay(if any) in filing this appeal : N/A
* Please Select a Decision : <input type="text" value="--Please Select--"/>
<input type="button" value="Submit"/>