

No. A-12011/1/2014/Pers-III  
Ministry of Home Affairs  
Police-II Division

North Block, New Delhi,  
Dated the 14 August, 2014

ORDER

**Sub : Appeal filed by Shri R.K. Jain under RTI Act 2005.**

Whereas the applicant had submitted an application dated 11.04.2014 addressed to the CPIO, Ministry of Home affairs seeking information under the Right to Information Act, 2005.

2. Earlier the applicant had sought the information about the proactive disclosure of information by MHA on its website and also sought the list of files and copies of all note sheets on the RTI application.

3. Whereas the undersigned has informed the applicant that the information was not available with the CPIO and Nil information conveyed to the applicant vide Police-II Division's letter dated 26.6.2014.

4. Whereas the petitioner has submitted his first appeal to Shri Satpal Chauhan, JS (Admn.), First Appellate Authority, and the appellate authority has disposed off the appeal vide Order No. A-43020/67/2014-RTI dated 08.7.2014. However copy of the appeal has now been endorsed to the undersigned by Shri V.K Rajan, Deputy Secretary (K) & CPIO vide letter dated 16.7.2014 for providing information sought for by the appellant at Para 'B' & 'C' of his RTI application dated 11.4.2014, which has been received by the undersigned on 02.6.2014.

5. The RTI application has been re-examined. The information sought for by the appellant at Para B & C of his application dated 11.4.2014 is not available with the undersigned and hence the information may be treated as NIL in respect of the undersigned as CPIO.



(Shantanu)

Director (Personnel) & CPIO

☎ 2309 2933

Shri R.K Jain,  
1512-B, Bhishm Pitamah Marg,  
Wazir Nagar, New Delhi-110003

Copy to:-

1. Shri V.K Rajan, Deputy Secretary (K) & CPIO, MHA.
2. PS to JS(P-II), MHA
3. PS to Dir (Pers), MHA
4. IT Cell, MHA alongwith with first appeal of the applicant.

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Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-579/(8056/14)/Appeal/15115

Dated : 23-05-2014

To

Shri Satpal Chauhan  
Joint Secretary (Admn.)  
First Appellate Authority Under the RTI Act 2005  
Home Minister's Office  
Central Secretariat  
North Block  
New Delhi - 110001

**A. Contact Details :**

1.	Name of the Appellant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003

**B. Details About RTI Request :**

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri V.K. Rajan Dy. Secretary (E) & CPIO
		(b) Address	Ministry of Home Affairs Govt. of India North Block New Delhi - 110001
2.	Date of submission of application (Copy of application attached)	11-04-2014	
3.	Details of the order appealed against	Letter No.A-42012/09/2014-Ad.II dated 16-05-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	16-06-2014	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 11-4-2014. (Annexure-1) 2. Copy of CPIO's letter dated 8-5-2014. (Annexure-2) 3. Copy of Appellant's 2 Reminder letter dated 10-5-2014. (Annexure-3) 4. Copy of CPIO's letter dated 16-5-2014. (Annexure-4)	

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 11-04-2014 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *The proactive disclosure of information by Ministry of Home Affairs on its website is neither complete nor upto date as per the requirement of the Section 4 of the RTI Act, 2005 read with guidelines issue under DoPT O.M. No. 1/6/2011-IR, dated 15-04-2013 and 10-12-2013. Even the Hindi version is not operational and most of the menus & submenus/hyperlinks are without any data though displayed on the home page. The Ministry of Home Affairs is liable for penal action in this regard as per Section 18 of the RTI Act read with Delhi High Court decision in the case of DDA v. CIC. You are advised to comply with the provisions of section 4 within a week failing which the Applicant shall file a complaint under section 18 of the RTI against the concerned officials of Ministry of Home Affairs. In this respect, please also provide the following information : -*
- (i) *Please provide the file Numbers in which the proactive disclosure by Ministry of Home Affairs under Section 4 of the RTI Act is dealt with. Please provide the number of Notesheets and number of correspondence pages contained in each file. Please provide certified copies of the Notesheets of the said file form 01-01-2013 till the date of providing the information.*
- (ii) *Please provide the name of the officers with designations who are responsible for making voluntary disclosure under section 4 of the RTI Act from 01-01-2009 till the date of providing the information and also provide the details of actions taken against them for violation of provisions of section 4 of the RTI Act,*
- (B) *Please provide list of files from which the information as sought above is provided by you*
- (C) *Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of*

*providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.*

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri V.K. Rajan, CPIO, Ministry of Home Affairs, has deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

#### GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri V.K. Rajan, CPIO, Ministry of Home Affairs, has deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That the CPIO has not provided the name and designation of the Officials who are responsible for making voluntary disclosure u/s 4 of the RTI Act. This information was sought in point A(ii) of the RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (5) That the CPIO has not provided any information in relation to point (B) of the RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

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- (6) That the CPIO has provided incorrect and misleading information in relation to point ( C) of the RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
  - (7) That the Ministry of Home Affairs is not complying with the provisions of section 4 of the RTI Act nor they have complied with the DOPT OM dated 15-4-2013 in order to cover up their lapses. The CPIO is providing incomplete, incorrect and misleading information. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.
  - (8) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
  - (9) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
  - (10) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
  - (11) That a personal hearing may be granted to the appellant before deciding the present appeal.
  - (12) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

**PRAYER**

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.

- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.



Signature of Appellant  
Telephone No. : 9810077977  
24651101  
Fax No. 011-24635243

Place : New Delhi  
Dated : 23-05-2014