

No. A- 43020/ 01 /2013-RTI
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, Dated the 10th April, 2013.

4:20 PM
RTI - 44/JS (Info) No 13
15/4

Subject: First Appeal filed by Shri/Smt/Kum. Swamy Anvitanand.....
* Dev Tirth..... under Section 19 (1) of the Right
to Information Act, 2005.

The undersigned is directed to refer to first appeal dated
...25/03/2013 under the RTI Act, 2005 filed by Shri/Smt/Kum. Swamy
..... Anvitanand Dev Tirth..... (received in this
Ministry on 09/04/2013) in connection with the information sought through
his/her RTI application dated 06/12/2012.

2. Since the RTI application dated 06/12/2012 was earlier dealt with
by ~~transferred~~/forwarded to Director (IS-I) of this
..... Ministry....., the appeal is forwarded to the concerned
Appellate Authority(ies) for taking appropriate action in the matter.

Encl: As above.

Surojit Ghosh

(Surojit Ghosh)

Under Secretary to the Govt. of India.

To

Joint Secretary (IS-I)
MHA
North Block
New Delhi

Copy for information to:

Shri/Smt/Kum. Swamy Anvitanand Dev Tirth
16/4/13 U.T. - B B C S, High Security Cell
Talaja Central Prison
Kharghar
Navi Mumbai - 410 210

to Dir (IS-7)

RTI-125/Dir (IS-7)/13
16/4/13

Reply in this regard was
sent on 22/3/13 (copy enclosed)

16/4/13
Dir (IS-7)

Appl 86/RTI/2013
10/4/13

Appeal Petition U/S 19(1) of RTI Act.2005

[Ref:- Appeal No. 66...../HHJS...18.../B(1)/TCP-2013, date 25.3.2013]

To,

First Appellate Authority,
Ministry of Home Affairs
North Block,
New Delhi - 110001

Name & address of Appealant

H.H. Anant Shri. Swamy Amritanand DevTirth, Shankaracharya of Sarvagya Sharda
Peeth, Kashmir (J&K) High Security Cell, Talaja Central Prison, Kharghar,
Navi Mumbai - 410210.

Name & address of C.P.I.O

Shri S. Samanta, under secretary to the Govt. of
India, M.H.A., New Delhi

Date of receipt of Letter No. against which appeal is made.

Received on 04.03.2013 by ordinary post

No. A-43020/01/2013-RTI

dated - 18th February, 2013

Nature and Subject matter of required information

I have filed my first appeal to FAA of Ministry
of HRD and the order issued by the FAA in response
to my appeal, Shri K.S. Mahajan Under Secretary Deptt. of
Higher Education, MHRD, have forwarded the copy of the
FAA's order alongwith my RTI application dt. 6.12.12
and request to Director (IS-1), MHA, North Block, New Delhi
to provide info in respect of Point 'b' of the application.

Grounds of Appeal

Sir,

The Director (IS-1), MHA has been not furnished the required information within 30 days stipulated time u/s 7(1) of RTI Act.

Aggrieved I file this first appeal before you.

Remark : My required informations have been pending since 6.6.12.

Prayer : Please direct to Director (IS-1)/CPIO to furnish the information sought, without any further delay.

Verification :

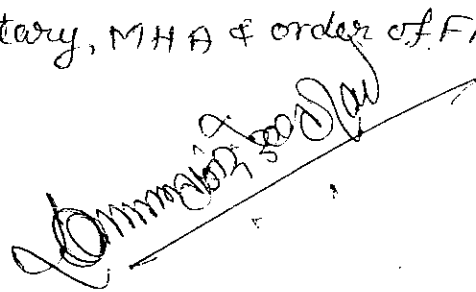
I Swamy Amritanand DevTirth Shankaracharya here by declare that above mentioned contents are true and this appeal is filing with in 30 days of receipt of letter No. ~~above~~ of CPIO /not receipt of any reply of my RTI's reply by the C.P.I.O. after more than 36....days of stipulated time of RTI Act 2005.

Today 25.03.13 Signed and attested this appeal.

Enclosed - Reply of CPIO / Under Secretary, MHA & order of FAA in four (4) pages.

Date - 25.3.2013

Place - Talaja Central Prison,
Kharghar, Navi Mumbai



(Signature of Appealant)

Before me
Swamy
25/3/13
Talaja Central Prison
Navi Mumbai

RTI MATTER/TIME BOUND

No. A- 43020/ 01 /2013-RTI
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, Dated the 18th February, 2013.

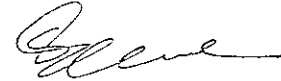
OFFICE MEMORANDUM

Subject: First Appeal filed by Shri Swamy Amritanand Dev Tirth – letter of Ministry of HRD reg.

The undersigned is directed to refer to the Ministry of Human Resource Development's letter No. 1-2/2012-IFC dated 18/01/2013 (re-submitted on 08/02/2013) vide which they have forwarded copy of the Order issued by the First Appellate Authority in response to the the First Appeal of Shri Swamy Amritanand Dev Tirth. They have also enclosed a copy of the RTI application dated 06/12/2012 (received on 11/02/2013) and requested this Ministry to provide information in respect of Point 'b' of the application.

2. Since the information requested by the applicant namely "Books banned by the Govt. of India" pertains to the Internal Security-I Division of this Ministry, the RTI application is being forwarded to that Division for furnishing available information directly to the applicant.

Encl: As above.



(S. Samanta)

Under Secretary to the Govt. of India.

Director (IS-I),
Ministry of Home Affairs
North Block
New Delhi.

Copy for information to:

1. Shri K. S. Mahajan, Under Secretary, Deptt. of Higher Education, Ministry of Human Resource Development, Shastri Bhawan, New Delhi w.r.t letter No. 1-2/2012-IFC dated 18/01/2013.
2. ✓ Shri Swamy Amritanand Dev Tirth, UT- BBC-8, HSC-2/20, Teloja Central Prison, Kharghar, Navi Mumbai – 410 210, Maharashtra.

(received)
H.S./13

RTI MATTER

No.1-2/2012-IFC
Government of India
Ministry of Human Resource Development
Department of Higher Education

Shasti Bhawan, New Delhi-110001
Dated: 18th January, 2013.

**Subject: Decision of FAA (No. DS (A)/RTI/2012(AO13),
dated 16th January, 2013.**

In pursuance of the above quoted ORDER (copy enclosed), a copy of RTI application dated 06.12.2012 of Shri Amritanand Dev Tirath, of Navi Mumbai is transferred herewith for providing information to him under intimation to the undersigned.



(K.S. Mahajan)

Under Secretary to the Govt. of India

Encl:

- i. Copy of FAA's Order, dt. 16th January, 2013.
- ii. Copy of RTI application, dt. 06.12.2012.

To:

1. The CPIO, D/o Home, Ministry of Home Affairs, North Block, Central Secretariat, New Delhi - 110001 (On point 'b' of the application).
2. The CPIO, Ministry of Law & Justice, Shastri Bhawan, New Delhi-110001. (On point 'd' of the application).
3. The CPIO, D/o of Official Language, M/o Home Affairs, NDCC-II Bhawan, 'B' Wing, 4th Floor, Jai Singh Road, New Delhi-110001. (On point 'd' of the application).

✓ Copy to Shri Swamy Amritanand Dev Tirath, Shankarcharya, UT-BBC-8, HSC-2/20, Teloja Central Prison, Kharghar, Navi Mumbai-410210 (Maharashtra).

Copy for information to DS(A), DHE, MHRD.



(K.S. Mahajan)

Under Secretary to the Govt. of India

BY SPEED POST

F.No.DS(A)/RTI/2012(AO13)
Government of India
Ministry of Human Resource Development
[Department of Higher Education]

Shastri Bhawan, New Delhi
Dated: 16th January, 2013

APPELLATE ORDER ON APPEAL DATED 26.12.2012 FILED BY SHRI SWAMY
AMRITANAND DEV TIRATH, NAVI MUMBAI

I, Deputy Secretary & the First Appellate Authority (Administration Division) in the Department of Higher Education, Ministry of Human Resource Development (MHRD) have carefully gone through the appeal dated 26.12.2012 filed by Shri Swamy Amritanand Dev Tirath, Navi Mumbai (Maharashtra). The appellant has requested to issue directions to CPIO to provide information sought by him vide Points (b) and (d) of his application.

2. Facts of the case:

Shri Swamy Amritanand Dev Tirath, Navi Mumbai (Maharashtra) vide his RTI application dated 6.12.2012 sought information relating to various issues. Vide Point (b) and (d), the applicant sought the following information -

Quote

- (b) Please intimate that how many books have banned by G.O.India and State Govts. Please furnish the details upto 05 Dec 2012 as under -
- (i) Name of book, its writer & publisher
 - (ii) Subject of book, reason of ban & when GOI has banned these books?
 - (iii) Please furnish the complete list of banned books by GOI & State Govts. upto 5 Dec. 2012 either Indian writers or foreign writers
- (d) How many Courts, High Courts are using Hindi for their orders? And how many Central/State Departments of of public sector do their official work in Hindi?

Unquote

In response to the above points, Under Secretary (IFC) and CPIO, Department of Higher Education vide letter No.F.1-1/2012-IFC dated 12.12.2012 informed the applicant that the Ministry of Human Resource Development is not Public Authority in respect of information solicited by the applicant. For other points, Under Secretary (IFC) and CPIO forwarded a copy of the said RTI application to the CPIOs concerned in the Department of Higher Education for furnishing the information on the points/issues pertaining to them directly to the applicant.

3. Decision on the Appeal

Point (b)

According to entry no.37 of the Second Schedule to the Government of India (Allocation of Business) Rules, 1961, the subject-matter relating to "Newspapers, books and printing presses" comes under the purview of the Department of Home under the Ministry of Home Affairs, Government of India. Accordingly, Under Secretary (IFC) & CPIO, Department of Higher Education is directed to transfer a copy of the RTI application to the CPIO concerned in that Ministry.

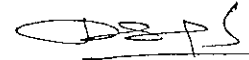
Point (d)

The information sought by the applicant pertains to the Ministry of Law & Justice and the Department of Official Language, Ministry of Home Affairs. Accordingly, Under Secretary (IFC) & CPIO, Department of Higher Education is directed to transfer a copy of the RTI application to the CPIOs concerned.

Further, Under Secretary (IFC) & CPIO, Department of Higher Education is also directed to indicate the full details of the Appellate Authority to the applicant in future in respect of information provided by him.

4. The Appeal dated 26.12.2012 stands disposed off.

5. In case the applicant is not satisfied, he may prefer his 2nd appeal to the Central Information Commission, Room No.308, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 as per the provisions of RTI Act, 2005.



(R.A. SINGH)

Deputy Secretary (Admn) & 1st Appellate Authority
Department of Higher Education

To

Shri Swamy Amritanand Dev Tirth,
Shankarcharya,
UT-BBC-8, HSC-2/20,
Teloja Central Prison, Kharghar,
Naavi Mumbai-410210 (Maharashtra)

Copy to the Under Secretary (IFC) & CPIO, Department of Higher Education, Ministry of Human Resource Development, New Delhi

*Copy of Sl. No. 125**9/4/13*

No.II/20034/ 20 /2013-IS-II
Government of India
Ministry of Home Affairs
(IS-I Division(IS-II Desk)

New Delhi, the 22nd March, 2013

To

✓
Shri Swamy Amritanand Dev Tirth,
UT-BBC-8,
HSC-2/20,
Teloja Central Prison,
Kharghar, Navi Mumbai-410210
Maharashtra


Subject:- First Appeal filed by Shri Swamy Amritanand Dev Tirth –letter of Ministry of HRD reg.

Kindly refer to Ministry of Home Affairs letter O.M. No. A-43020/01/2013-RTI dated 18.02.2013 forwarding a copy of Ministry of Human Resource Development's letter No.1-2/2012-IFC dated 18.1.2013 forwarding a copy of the Order issued by the First Appellate Authority in response to the First Appeal of Shri Swamy Amritanand Dev Tirth along with a copy of the RTI the application dated 06.12.12 seeking information in respect of Point (b) of the application.

2. It is informed that if the contents of a publication are such as to attract punishment under section 124-A or section 153-A or section-153B or section 292 or section 293 or section 295A of the IPC, the States/UTs examines and takes action under section 95 of Cr. P.C. As such, it is for the State Governments/UTs to take action under Section 95 Cr.P.C against the author, printer, publisher, possessors etc. In view of above, State Governments/UT Administrations can inform the concerned issues which lead to banning of book(s).

3. You may, therefore kindly take up the matter with the State Governments/UTs concerned in this matter.

4. Further, Department of Revenue also bans import/export of books under Section 11 of the Customs Act, 1962. As such, a copy of your first appeal along with RTI Application dated 06.12.2012 is forwarded to Department of Revenue for taking RTI application for further necessary action.


(Rakesh Mittal)
Director(IS-I)

Copy along with a copy of MHA O.M. No.A-43020/01/2013-RTI dated 18.2.2013 along with a copy of Ministry of Human Resource Developments O.M. No.1-2/2012-IFC dated 18.1.2013 along first appeal and RTI Application dated 06.12.2012) for to:

**Department of Revenue
(Shri S.M. Bhatnagar, JS (Customs),
North Block, New Delhi.**

Copy for information to:

- (i) Shri K.S. Mahahan, Under Secretary, Deptt. of Higher Education, Ministry of Higher Education, Ministry of Human Resource Development, Shastri Bhavan, New Delhi w.r.t. letter No.1-2/2012-IFC dated 18.1.2013
- (ii) Shri S. Samanta, Under Secretary, MHA, North Block, New Delhi w.r.t. their O.M. No. 43020/01/2013-RTI dated 18.02.2013

To,

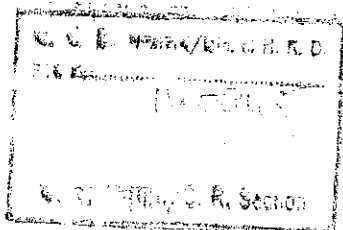
by Special post

C.P.O.

Ministry of Human Resource Development

Shashi Bhawan, New Delhi - 110011

1. Name & address of applicant : Sushant Anand Kumar, T-11,
UT- BB-8, HSE-2/50,
Tajsa Central Bldg, Kharghar,
Navi Mumbai - 410 210
2. Info Pertains to :- Duties and structural system of HRD, Banned
books by GOI & State Govts. Annual report
3. Information Required :- (a) - Kindly furnish the details about
duties, working fields, power & status
of M/o HRD and what is the structural
system of HRD to perform its duty?
(b) - Please intimate that how many
books have banned by GOI & State Govts. Please furnish the details
upto 05 Dec. 2012 as under :-
(i) - Name of book, its writer & publisher.
(ii) - Subject of book, reason of ban &
when GOI has banned these books &
(iii) - Please furnish the complete list
of banned books by GOI & State Govts.
upto 5 Dec. 2012 either Indian
writers or foreign writers.
(c) - Please furnish the annual
report of M/o HRD, (latest).
(d) - Pl. intimate that which plans are
conducting by HRD ministry for
development of Hindi and what is
its appraisal report for 2011-12 &
2012-13. Pl. furnish a copy of the
same.



RTI APPEAL
BY SPEED POST

No.JS(IS-I)/MHA/RTI/2013/140
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
(INTERNAL SECURITY-1 DIVISION)

New Delhi, Dated the. 10th May, 2013

ORDER

I have looked into the appeals u/s 19 of the RTI Act against the Order of CPIO dated 22.3.2013

2. The appellant, in his RTI application, had sought following information:-

"Please intimate that how many books have banned by Govt. of India and State Govts. Please furnish the details upon 05 December, 2012 as under:-

- i) Name of book, its writer & publisher
- ii) Subject of book, reason of ban & when GOI has banned these books.
- iii) Please furnish the complete list of banned books by GOI & State Govts. upto 5th Dec., 2012 either Indian writer or foreign writers?"

3. In response to the RTI application, CPIO provided information with regards to the relevant provisions under CrPC which provide that the State Governments/UTs are required to take action u/s 95 of CrPC, in case the contents of any publication are such as to attract punishment under Section 124-A, 153-A, 153-B, 292, 293 or 295 A of the IPC. CPIO further informed the appellant to take up the matter with State Government/UTs. CPIO also informed that import/export of books can be banned by Department of Revenue u/s 11 of Customs Act, 1962. To this end, the application was transferred by the CPIO to relevant officer in Department of Revenue for further action.

4. In the First Appeal dated 25.3.13 received in the office of FAA, MHA on 15.4.13, the appellant has stated that CPIO's reply has not been received by him and prayed to direct the CPIO to furnish the information, without any further delay. However, as is evident from applicant's next 'First Appeal' dated 9.4.13, the CPIO's reply has been received by the appellant. Therefore, the First Appeal dated 25.3.13 stands disposed off.

5. In the First Appeal dated 9.4.13 received in the office of FAA, MHA on 17.4.13, the appellant has contended that information sought by him has not been provided by the CPIO, rather the relevant provisions of IPC have been indicated. He has prayed that CPIO be instructed to provide information sought, with order copy of ban without any delay.

Contd...2/-

6. I have perused CPIO's reply dated 22.3.13. CPIO informed the appellant that power of forfeiture of books rests with State Govts./UTs under CrPC and for ban on import/export of books, the same is dealt by Deptt. of Revenue, Gol. He transferred the application to Department of Revenue for further action and also requested applicant to take up the matter with State Govts/UTs.

7. Although CPIO's reply is appropriate on the issue of jurisdiction of authorities, I feel that the limited information sought by appellant with regards to banning of books by Gol i.e. name/writer/publisher, subject of book and reason for ban remains unaddressed. This information regarding banning of books by MHA, as per records held in IS-II Section of this Ministry, may be provided to the appellant. However, the period for which requisite information has been sought is upto 5.12.12. The date with effect from which, information is to be provided has not been stated. It may not be possible to provide information for last 50-60 years or more, especially in the event of same not being collated/compiled by the Section concerned. I therefore direct that the said information for last 10 years may be provided to the appellant.


8. As regards the ban on import/export of books, the same is dealt by Department of Revenue under the Customs Act. CPIO rightly transferred RTI application to that Department for further action on this point. The same has not been disputed by the appellant.

9. As regards information sought on banning of books by State Governments, it is observed that the information sought under RTI application was as under:-

"Please intimate that how many books have been banned by Government of India & State Governments."

The appellant is therefore aware that the information sought also pertains to State Governments. He may therefore approach the relevant authorities of State Govts/UTs for the purpose. However, CPIO, MHA is directed to provide information, whatever available in the records held in IS-II Section of this Ministry, regarding ban of books by State Governments, to the appellant for the last 10 years.

10. CPIO is directed to provide the information to the appellant in terms of para 7 and 9 above, within 7 days of receipt of this Order.


(Rakesh Singh)
Joint Secretary (IS-I) &
First Appellate Authority

To

Shri Swami AmritanandDevTrith
UT-BBC-8, High Security Cell-2/20,
Teloja Central Jail,
Khargarh, Navi Mumbai - 410210

Copy to:

✓ Director (IS-I) & CPIO, MHA, North Block, New Delhi