

1.45020/1/2014-Pers-II
Government of India
Ministry of Home Affairs
Police.II Division

North Block, New Delhi
Dated the 7th July, 2014

ORDER

Subject: - **Appeal under Right to Information Act, 2005 – regarding.**

Reference is invited to appeal dated 21.05.2014 filed by Shri Sohan Singh Negi for providing information on his RTI application dated 25.03.2014.

2. The undersigned has gone through the case and it has been noted that his RTI application dated 25.03.2014 was transferred under Section 6(3) of RTI, Act, 2005 to the CPIO, Assam Rifles (AR) vide this Ministry's letter of even No.I.45020/01/ 2014-Pers.II dated 16.04.2014 **(Copy enclosed)** for giving reply/ information directly to the applicant, as the requisite action was falling in the domain of AR. The CPIO, AR vide his letter dated 01.05.2014 **(Copy enclosed)** has given a reply to him.

3. Since, the CPIO, AR has already sent a reply to the applicant vide aforementioned letter dated 01.05.2014, no action seems to be pending at this stage. However, the applicant may file appeal with the 1st Appellate Authority, AR, if he is not satisfied with the reply furnished by the CPIO, AR.

4. The appeal is disposed off accordingly.

Encls : As Above



(Dr.Nirmaljeet Singh Kalsi)
Joint Secretary (Police-II) & Appellate Authority
Ph.23092478

To

**Shri Sohan Singh Negi S/o Shri Govind Singh Negi,
Village and Post Office Kimsar, District Pauri Garhwal,
Uttarakhand - 246121**

Copy for info and n/a to:-

- 1.PS to JS(P.II)
- 2.PS to Dir(Pers)
3. IT Cell, MHA alongwith a copy of appeal dated 15.05.2014.

From: Sohan Singh Negi % Shri Govind Singh

Vill and P.O. Kimsa
Dist. Pauri Garhwa
Uttarakhand-24612

NO. RTI/2014/032

21 May 2014

Dr. Nirmatjit Singh Kalsi
Appellate Authority
Joint Secretary (Police-II)
MHA, North Block
New Delhi - 01

SUB:- APPEAL UNDER RTI ACT-2005

Sir,

1. Please refer to my RTI application dt 11-02-2014 resubmitted vide my letter NO. RTI/2014/031 dt 25-03-2014 and Director (Pers)/CPIO MHA, Police II Division, New Delhi letter No. 1.45020/1/2014-Pers. dt 16-04-2014 (Xerox copies enclosed)

2. I have to appeal that I am not satisfied with the reply of above CPIO. Pointwise reasons are as under :-

Point (1) Assam Rifles would have been brought under MHA from Ministry of External Affairs on the orders of Government of India, not on the orders of the then Inspector General/Director General of Assam Rifles. Hence the information is more closely related to MHA/MEA New Delhi and reply should also be given by the MHA New Delhi.

Point (2) Assam Rifles acts according to the rules, regulations, Acts, Policies laid down/issued by MHA/Ministry of Finance and in some cases Army/Ministry of Defence. The DG of Assam Rifles is not empowered to keep the Assam Rifles in the category of CPMF or CAPF or Indian Army. So, the informations sought by me should be given by Director (Pers)/CPIO from whom such types of orders are passed to DGs of CPMFs and CAPFs.

Point (3) It is clear that the Assam Rifles, itself, is not empowered to change its category from Para Military Force to CPO, CPO to Para Military Force, Para Military to Army, Para Military to Central Armed Police Force or otherwise. It is possible only when Govt of India (concerned Ministry) New Delhi issues appropriate orders. If so, why my RTI application was transferred to CPIO of DGAR (Shillong). In this regard please refer to Director (Pers) letter/office memorandum dated 18-03-2011/22-03-2011 regarding adoption of new nomenclature of Central Armed Police Forces (CAPFs) and 27011/100/2012-R & W dated 23-11-2012

5-6-14
Dr. S.P.
27/5

Dir (Pers)
US (Pers II)

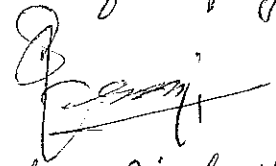
29 MAY
Phy-RTI-48725(P-2)/274
2014

(RTI/2014/ dated May 2014)

3. one more thing is that while the CPIO of Directorate General Assam Rifles has refused to provide the informations quoting the reference of Section 2A and Schedule D of RTI Act 2005 in an another case/other cases vide his letter No. VIII.11011/70(156)/PRO/2014/897 dated 01 May 2014, VIII.11011/70(156)/PRO/2014/826 dt 11-02-2014, VIII.11011/70(156)/PRO/2013/772 dt 03 Dec 2013, all addressed to me and copy to Shree Shantanu, Director (Personnel)/CPIO, MHA, Pers-II, why my RTI application(s) was or were being transferred to CPIOs of Assam Rifles, BSF, CRPF, ITBP, SSB and CISF?

4. you are requested to look into the matter and direct the Director (Pers)/CPIO to provide the informations sought by me.

yours faithfully



(Sohan Singh Negi)

Encl: As above

Copy to :-

Shree Shantanu
Director (Personnel) & CPIO
Govt of India
MHA, Pers-II
North Block, New Delhi-01

- For info and necessary action please.

No.I-45020/1/2014-Pers-II-
Government of India
Ministry of Home Affairs
Pers-II

North Block, New Delhi
Dated the 16th April, 2014

To

Shri Sohan Singh Negi S/o Shri Govind Singh Negi
Village and Post Office Kimsar, District Pauri Garhwal,
Uttarakhand - 246121

Subject: - Application under RTI, Act, 2005 – regarding.

Sir,

Please refer to your RTI application dated 25.03.2014 on the subject cited above.

2. Since the information sought by you is not available with the undersigned, your aforesaid application is being transferred under Section 6(3) of the RTI Act, 2005 to the CPIO of Assam Rifles for giving reply/information directly to you.

3. In case you are not satisfied with this reply, the appeal in the case lies with Dr. Nirmaljeet Singh Kalsi, Joint Secretary (Police-II), MHA. The appeal may be filed within 30 days from the date of receipt of this reply.

Yours faithfully,



(Shantanu)
Director (Pers) & CPIO
23092933

Copy alongwith a copy of RTI application dated 25.03.2014 of Shri Sohan Singh Negi, is transferred under Section 6(3) of RTI, Act, 2005 to:-

Shri Sunil Rawat, Lieutenant Colonel & CPIO, Assam Rifles (Through LOAR) for giving reply/information directly to the applicant, if available.



(Shantanu)
Director (Pers) & CPIO
23092933

Shri Negi
21/04/14


REGISTERED

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793010

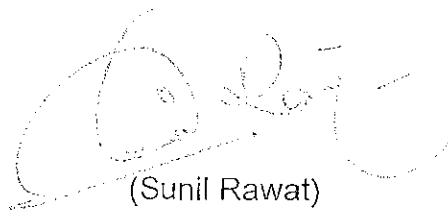
VIII.11011/70(156)/PRO/2014/ 897

May 2014

Sohan Singh Negi
S/o Shri Govind Singh
Vill - Kimsar
PO - Kimsar
Dist - Pauri Garhwal
Uttarakhand
Pin - 246121

RIGHT TO INFORMATION ACT - 2005

1. Refer your application dated 25 Mar 2014, received at this Headquarters through the Ministry of Home Affairs on 29 Apr 2014.
2. It is to inform you that the Assam Rifles is exempt from forwarding information sought by you under RTI as per Section 24 and Schedule II of the Act.
3. The Appellate authority for this Organisation is Additional Director General, Headquarter Directorate General Assam Rifles, Laitkor, Shillong - 793010.



(Sunil Rawat)
Lieutenant Colonel
Central Public Information Officer

Copy to :-

Shri Shantanu
Director (Personnel) & CPIO
Ministry of Home Affairs
Police - II Division
North Block, New Delhi-1

- For your information with refer to your letter No I-45020/1/2014-Pers-II dated 16 Apr 2014.

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