

176 By Speed Post  
RTI MATTER JM

No. VI.23014/87/2014-VS  
Government of India  
Ministry of Home Affairs  
(PP Division)

NDCC-II Building, 3<sup>rd</sup> Floor,  
Jai Singh Road,  
New Delhi-110001, dated: 26<sup>th</sup> May, 2014

To

Shri Bharat Gandhi,  
402, New Lawyers Chamber, Bhagawan Das Road,  
Supreme Court,  
New Delhi-110001.

**Subject:- First Appeal under the RTI Act-2005-reg.**

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Sir,

Please refer to your letter dated 07.04.2014 and First Appeal dated 05.05.2014 received in this unit on 22.04.2014 and 15.05.2014 respectively.

2. In this regard, it is stated that your RTI application dated 05.02.2014 forwarded to this Unit vide RTI Cell, MHA OM No.A-43020/01/2014-RTI dated 14.03.2014 was examined and a reply in this regard was sent to you vide letter dated 09.04.2014.

3. With reference to grounds cited in your First Appeal, the point-wise reply is as under:

Para 1 and 2: The correspondence exchanged and details of decision taken while examining requests for security are not communicated to the individual concerned as inputs from security agencies which forms basis for examination of such requests, are exempted under Section 24(1) of the RTI Act-2005. Mere requesting the State Government to assess threat and provide security does not imply that threat to the individual exists. In such a case, threat is to be assessed by the concerned State Government based on local conditions.


Para 3 and 4: Security is provided on the basis of assessment of threat for an individual irrespective of the fact whether such individual is a government functionary or not. Further, the responsibility for providing security to an individual is primarily that of the State Government in whose jurisdiction such individual is ordinarily resident or happens to be. Central Forces are deployed for the security of individuals in exceptional case having regard to the nature and level of threat as assessed by the Central Security Agencies.

Para 5: As regards the communication sent by this Ministry to the State Government of Uttar Pradesh, it is a confidential document and refers to inputs by the Central Security Agencies, which are exempted under Section 24(1) of the RTI Act-2005. Therefore, it is not possible to provide you copy of the said communication.

Para 6: As per Section 24(1) of the RTI Act-2005, intelligence and security agencies specified in Second Schedule are exempt from the provision of RTI Act 2005 and therefore inputs from such agencies cannot be disclosed.

4. Your First Appeal is accordingly disposed of.

Yours faithfully,

  
(Sailesh) 26/5/14

Joint Secretary (PP & VS) & Appellate Authority

Copy to: Shri S. Samanta, Under Secretary, RTI Cell, MHA, North Block, New Delhi along with a copy of First Appeal of Shri Bharat Singh for disclosure on web site.

R-1402/28(PP)/14  
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From,

**Bharat Gandhi,**  
Author, Statesman, Political Reformer  
And Policy Director of Voters Party International, VPI

**Office-** 402 New Lawyers Chamber,  
Bhagawan Das Road,  
Supreme Court, New Delhi-110001  
Mb.: 9818433422 (Delhi), 09651991100 (Lucknow)  
Email:votership@gmail.com, Website: www.votersparty.in

To,

**Shri Shilesh Ji,**  
JS (PP & VS) & Appellate Authority in RTI Matters,  
Ministry of Home Affairs,  
North Block, New Delhi - 110001

Date:- 05<sup>th</sup> May, 2014

**Sub: Appeal against the reply of P.I.O. of M.H.A. dated 09.04.2014 received in the matter of application dated 05.02.2014 of undersigned sent under R.T.I. Act, 2005.**

Dear Sir/Madam,

The undersigned has to submit as under:

1. That when office of the D.G.P. of state of U.P. violated the order of Hon'ble Supreme Court of India; when state police department continuously did unjust, unlawful and anti applicants behaviour and when undersigned lost faith in the state police machinery; then the undersigned sent a representation dated 14.10.2014 to Union MHA to Grant Central Security Forces in the Protection of applicants Bharat Gandhi and Anr;. In the said representation the reasons of abovementioned conclusion was narrated in details.
2. That vide its letter No.- VI.23014/87/2014-VS dated 09.04.2014 undersigned was informed about the action taken report on abovementioned representation dated 14.10.2013 of undersigned. The P.I.O. of Union M.H.A. has not denied the security threat to undersigned as per the investigations of concerned unit of M.H.A. It was also informed by the P.I.O. that the said representation is forwarded with request to government of U.P. state to provide adequate security to undersigned. Although the fact was mentioned in the said representation dated 14.10.2013 that the respondents in the case filled in apex court against the petitioner/undersigned were the close associates and wife of sitting Chief Minister of the same state; to whom the responsibility to protect the life of undersigned is given by Union MHA.
3. That in the above mentioned context kindly be pleased to direct the PIO also to inform whether any/some law exists which

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RTI Appeal

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From,

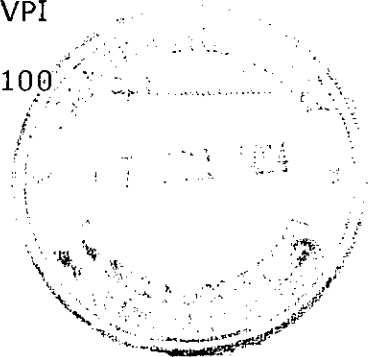
**Bharat Gandhi,**

**Residence:** Author, Statesman, Political Reformer  
And Policy Director of Voters Party International, VPI  
218 /7 Friends Enclave, Sultanpuri Road,  
New Delhi-110086, Mb.: 9818433422, 09651991100  
Email: votership@gmail.com

**Office-** 402 New Lawyers Chamber,  
Bhagawan Das Road,  
Supreme Court, New Delhi-110001

To,

**Joint Secretary (PP),**  
Union Ministry of Home Affairs,  
NDCC Building, Jai Singh Road,  
New Delhi



Date:- 07<sup>th</sup> April. 2014

**Sub: Information under R.T.I. Act, 2005 regarding action taken report on the representation of undersigned dated 14.10.2013 submitted for deploying central forces in the personal security of applicant and anr.**

Dear Sir/Madam,

The Undersigned submits as under:

1. That the abovementioned Application under RTI Act was submitted to the office of the PIO of UMHA North Block on 05/02/2014.
2. That the said office informed the applicant/undersigned vide its letter No.- A.43020/01/2014-RTI dated 14/03/2014 that the application mentioned above is forwarded for action appropriate. The said letter received from the office of the MHA is enclosed here with for ready reference of your public office.
3. Kindly inform within time that what action is taken on said representation dated 14/10/2013 of undersigned.

Kindly be pleased to send following information on above add res.

Signature of Applicant

(Bharat Gandhi)

Place: New-Delhi  
Date: 07.04.2014  
Encl.- As above.

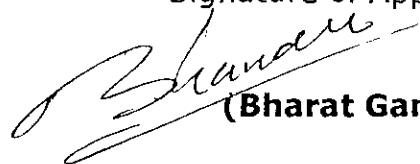
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restrain the Union MHA to deploy the central/paramilitary forces/C.R.P.F./N.S.G. etc. for protecting the life and liberty/the fundamental rights of the individual who is not a government personnel? In other words, whether the central forces mentioned above are constituted to protect the life of persons working only in government sector? If no such statutory provision is there, then please inform that why the union MHA is avoiding to deploy the central forces/paramilitary forces/C.R.P.F./N.S.G. etc. in the protection of undersigned?

4. That the union MHA is well informed that the police department of the U.P. state from top to bottom is working in undue influence and undue pressure/illegal dictates of the chief Minister who is the husband of the respondent No-3 in the criminal writ petition No.-171/2012 filed in Hon'ble apex court by undersigned. The whole story was given in the said representation dated 14.10.2013 submitted to the union MHA. Earlier to this the same futile exercise is already done by the union MHA. Because through the Letter No.- A-42030/01/13-RTI dated 22.01.2013 the Union MHA forwarded many/all the representations of the undersigned to the government of state of Uttar Pradesh to do justice with applicants. But state government ignored the will of the union MHA and consequently the result was nil till today. These are the evidences of failure of constitutional machinery of government of state of Uttar Pradesh. Hence it is requested to direct the P.I.O. of the MHA to inform that why again and again the responsibility of protection of applicant is shifted by MHA to the immediate family member of enemy of applicant?
5. That the Union MHA has informed the undersigned that the MHA has requested to government of U.P. to give police protection to undersigned and as usual advised that the applicant/undersigned should contact directly to government of U.P. to get their grievances redressed and to get police protection. But the MHA did not sent the copy of the abovementioned request letter to applicant/undersigned. So without the copy of the said letter the undersigned is helpless to provide reference of such request to the government of the state of U.P. Hence it is requested to direct the P.I.O. of the MHA to send the copy of the abovementioned request letter.
6. To the best of my knowledge the information sought does not fall within the restrictions contained in Section 8 and 9 of the RTI Act and these pertains to your office.

Signature of Applicant

  
(Bharat Gandhi)

Place: New-Delhi  
Date: 05.05.2014

Enclosure: The true copy of abovementioned letter No.- VI.23014/87/2014-VS dated 09.04.2014 received from the PIO of the MHA.