

Shri M. Gopal Reddy,
Joint Secretary (UT) & 1st Appellate Authority
Ministry of Home Affairs
North Block,
Central Secretariat
New Delhi-110001

Appeal filed under Section 19(1) of the Right to Information Act, 2005

Date: May 30th, 2011

Name and address of the appellant : Ms. Anumeha
C/o Common Cause
Common Cause House
5, Institutional Area
Nelson Mandela Road,
Vasant Kunj,
New Delhi-110070

Name and address of the CPIO: **M.L.Varma**
CPIO & Deputy Secretary (ANL)
Ministry of Home Affairs
New Delhi-110001

Name and address of 2nd respondent (if any) : None

Date of submission of RTI request : May 9, 2011

Date of payment of additional fee (if any): N.A.

Particulars of the order appealed against :

1. The CPIO in his order vide No. 14011/70/2011-UTP dated May 25, 2011 has stated that the request made in the application cannot be acceded at this stage as the matter has been referred to the Ministry of Law & Justice.

Brief facts of the case: Applicant had sought a suitable time and date for inspection of files related to the following:

- a. Comments received by the Ministry of Home Affairs on the Draft Delhi Police Bill, 2010, posted on the MHA website.
- b. Final version of the Draft Delhi Police Bill, 2010 taking into account the comments received by the MHA.

Grounds for Appeal

a) The Appellant has been tersely informed “that the matter has been referred to Ministry of Law & Justice. Therefore, the request made in the application cannot be acceded to at this stage”. No reason has been attributed for denial of the said request except that the “matter has been referred to Ministry of Law & Justice” **which by itself cannot be a reasonable ground for denial of the request made in the application.**

b) Section 6(3) of the RTI Act prescribes that “ *Where an application is made to a public authority requesting for an information,-(i) which is held by another public authority; or (ii) the subject matter of which is more closely connected with the functions of another public authority,*

The public authority, to which such application is made, shall transfer the application or such part of it may be appropriate to that other public authority and inform the applicant immediately about such transfer,

In case the file itself or any part of it has been sent to the Ministry of Law & Justice, the CPIO should have dealt with the matter under Section 6(3) of the RTI Act under intimation to the appellant. In not doing so, the CPIO has clearly acted in violation of the provision prescribed under sec 6(3) of the RTI Act.

Prayers or relief sought and grounds thereof:

In the circumstances as stated above, it is requested that the CPIO may be directed to act in accordance with the provisions of the RTI Act and a) intimate a convenient date and time for

inspection of relevant files and documents available with the Ministry of Home Affairs and (b) arrange under Section 6(3) of the RTI Act with Ministry of Law & Justice for perusal of file(s) available with them and referring to the subject of application..

I hereby declare that the aforementioned facts are true to the best of my knowledge.

Anumeha

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New Delhi-110070

Enclosures:

Copy of RTI Application dated May 9, 2011

Copy of reply of CPIO dated May 25, 2011