



Central Information Commission
Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,
Bhikaji Cama Place, New Delhi-110066
Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/A/2012/000131
Dated: 08.06.2012

Name of Appellant : Ms. Anumeha
Name of Respondent : Ministry of Home Affairs
Date of Hearing : 05.06.2012

ORDER

Ms. Anumeha, hereinafter called the appellant, has filed the present appeal dated 13.7.2011 before the Commission against the respondent Ministry of Home Affairs (MHA), New Delhi for not providing satisfactory information in reply to her RTI-application dated 9.5.2011. The matter came up for hearing on 05.06.2012. The appellant was present whereas the respondent were represented by Shri A.K. Saxena, Director and Shri Rajeev Kumar, SO.

2. The appellant had filed an application dated 9.5.2011 under the provisions of the RTI Act, wherein he sought information on the following two queries – "(1) *Comments received by the Ministry of Home Affairs, on the Draft Delhi Police Bill, 2010, posted on the MHA website; and (2) Final version of the Draft Delhi Police Bill, 2010 taking into account the comments received by the MHA.*" The CPIO vide letter No. 14011/70/2011-UTP dated 25.5.2011 informed the appellant that the matter has been referred to Ministry of Law & Justice, therefore, the request made in the aforementioned application cannot be acceded to at this stage.

3. Not satisfied with the reply of the CPIO, the appellant preferred first-appeal on 30.5.2011. The FAA vide his order dated 29.6.2011 held that the

appellant had desired to inspect the file, which is not available in this Ministry since it has been referred to Ministry of Law & Justice where the draft Delhi Police Bill was being examined and it would not be appropriate to halt the process, as it would delay the completion of the action. Further, transfer of application to Ministry of Law & Justice may not serve any purpose, as the CPIO in that Ministry was not the custodian of the record. Moreover, the FAA held, the entire matter is proposed to be placed before the Union Cabinet for its consideration, and as such it is exempted from disclosure at this stage under Section 8(1) (i) of the RTI Act, 2005.

4. The appellant in her written submissions filed before the Commission submits that the CPIO be directed to grant the request of the appellant for inspection of all the files and documents related to (i) comments received by the Ministry of Home Affairs, on the Draft Delhi Police Bill, 2010, posted on the MHA website and (ii) Final version of the Draft Delhi Police Bill, 2010 taking into accounts the comments received by the MHA.

5. Having considered the submissions of the parties, the matter is remitted back to the FAA with the directions to consider the RTI application of the appellant afresh within fifteen days of receipt of file from the Ministry of Law & Justice and to take a view on the request for a copy of the comments received by the MHA are provided to the appellant. In case the appellant still not satisfied with the reply of the FAA, she may, if she so desires, approach the Commission afresh in second appeal.

The matter is disposed of with the above directions.


(Sushma Singh)
Information Commissioner