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Addl. DCP-I	
Addl. DCP-II	
ACP/HQ	
Insp./Admn.	
	RTI



RACO

Road Anti-Corruption Organisation

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DEL-805/16-17/04/

[CONFIDENTIAL]

कार्यालय संस्थापक

वी-247, खुमरा मोहल्ला, पुरानी आबादी, घोंडा,
दिल्ली-110053

Office of The Founder

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Dy. No. 9434/G.D/NE

dt. 15/9/17

The Right to Information Act, 2005

First Appeal for the Central/State Government

SNO. DP/DCPNE APL 1 2017 18 02

I. D. No. _____ Date: _____ 2017

To,

The First Appellate Authority of under RTI Act
Deputy Commissioner of Police
North East District, Delhi Police,
Seelampur, Delhi-110053

Sir,

As I am aggrieved by Central Public Information Officer cause of incomplete reply, I hereby file this appeal for your kind decision within 48 Hours under section 7(1) RTI Act 2005.

1. Details of Appellant:

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1.1 Full Name: Rahul Sharma
1.2 Full Address: V-247, Khumra Mohalla, Purani Abadi
Ghonda, Delhi-110053
1.3 Phone/Cell: +91-9711006071
1.4 Email Id: raicoind@gmail.com

2. Details of State/Central Public Information Officer (SPIO):

2.1 Name/Designation: Shri Rajendra Prasad Meena (IPS) /
ADDL. Deputy Commissioner of Police,
(North East District)
2.2 Full Address: Office of the ADDL. Deputy
Commissioner of Police, (North East
District), Seelampur, Delhi-110053
2.3 Name of the Public
Authority: Delhi Police

3. Details of RTI Application to SPIO:

3.1 Date of Application: 03 August 2017
3.2 Mailed on: 04 August 2017
3.3 By Speed Post No. EU 001258119 IN
3.4 Date of Receipt
By SPIO: 05 August 2017

4. Particulars of Payment of filling fee:

Paid Rs. 10/- by Indian Postal Order Bearing No.37F 141931 Dated
10.08.2017.

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5. Details of Information sought:

That the applicant sought the following information under the above mentioned RTI application: As per copy enclosed marked as Annexure...

6. Particulars of Decision of CPIO/SPIO:

An unfinished information has been received by the PIO vide No. 4457/RTI Cell/North-East District Dated 05.09.2017 (copy Enclosed), the PIO has sent incomplete reply to my RTI application which is completely violation of my fundamental right and contravenes the law.

7. Reasons/Ground for this Appeal:

In my requisition for information dated 03/08/2017 mailed on 01/08/2017, I had asked for the information, (as per copy enclosed), this has been received by the PIO on 05 August 2017. Though the mandated period of 30 days is over, the PIO has sent unsatisfactory reply and manipulate the information with pertaining staff and officer, the PIO has sent that information cannot be provided to the applicant under section 8(1)(J) to my RTI Application whereas the report of threat perception is connected with the liberty and life of the applicant and it is mandatory that the information that is linked to the life and liberty of a person must be given within 48 hours of receiving the RTI Application under section 7(1) of RTI Act 2005, but the concerned officer refuses to provide information while citing unnecessary streams. According to point 3 of RTI Application it has been asked that after the attack on the applicant dated on 31st May 2017, Any letter has been received from the ACB to assess

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the threat perception or not? So, PIO has sent astray reply accordingly to the question asked by the applicant.

Relief Sought:

- a) Please instruct the PIO to give the information forthwith within 48 hours u/s 7(1) of Act 22, 2005.
- b) Recommend to the Central Information commission that a penalty should be levied on the PIO under Sub-Section (1) of Section 20 of the Act 22 of 2005, for not replying or proving the information as mandated in the law. No reasonable cause can be there for not replying at all.

8. Any other information in support of appeal:

The Applicant respectfully submits that the entire thing of managing, officiating and distribution of the desired information for the concerned place is within the jurisdiction of the present PIO office but even the concerned department are shying away from their responsibility and are deliberately not provide the information to the applicant reason being they have the complete information but there is something wrong was asked by the applicant and by the gaining time they might manipulate the information or might be preparing at the time being or secondly they are not interested to share the aforesaid information with the applicant whereas it is in your cognizance that the applicant is complainant in Delhi PWD Scam against Delhi Chief Minister Shri Arvind Kejriwal, Surendra kumar Bansal Brother-in-law of Shri Arvind Kejriwal and others influential Peoples and FIR' s has been registered by ACB and I am facing continuous life threats because of our activism in

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connect with the instant case, and almost Five FIR' s has been registered in regard of threat in the various Police stations and the Concerned PIO' s cannot share the information which are connected with my life and liberty, If something goes wrong with me and my family, then who will be responsible? It is further submitted that the applicant is apprehended that the "1. Provide the certified copy of report of assessment of threat perception to complainant Rahul Sharma which had been assessed by you as per the direction of the the Hon' ble Metropolitan Magistrate given to DCP North East, Delhi / Anti-Corruption Bureau Vide Court order Dated 09.02.2017, 30.03.2017,03.04.2017 & 02.06.2017"

2. "Please provide the details of date of dispatch along with the certified copy of Numbered dispatch register".

3. Whether any letter has been received from ACB by you in the context of assess of threat perception after attack on complainant on 31st May 2017. If Yes, so, Please Provide the certified copy of letter received from ACB along with the report of assessment of threat perception.

9. Prayer/Relief sought for:

Therefore it is respectfully prayed by the applicant:

- a) Please instruct the PIO to give the information forthwith within 48 hours under section 7(1) of RTI Act 2005.
- b) Recommend to the Central information commission that a penalty should be levied on the PIO under sub-section (1) of section 20 of the Act 22 of 2005, for not providing the information as a mandated in the law. No reasonable cause can be there for not replying at all.
- c) Any other relief as deemed fit and appropriate in favor of the applicant in the interest of justice.
- d) As per Section (4) of RTI Act 2005

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- e) As per Section 7(1) of RTI Act 2005
- f) As per Section 7(6) of RTI Act 2005.
- g) As per Section 19(5) of RTI Act 2005.
- h) As per Section 7(8)(1) of RTI Act 2005.
- i) As per Section 20(2) of RTI Act 2005.

10. Grounds for Prayer/Relief for:

The Applicant respectfully submits that he had applied for the requisite information from aforesaid concerned office of Additional Deputy Commissioner of Police, North East District, Delhi Police. The aforesaid application was sent through the speed post and reached the PIO office/Concerned office on 05/08/2017. Since then, no one from the office of concerned PIO has contacted to the applicant personally about the status of his required information under the RTI whereas that matter is related to life and liberty of the applicant. And Information that should be given within 48 hours, the information has been broken and given a incomplete information in 30 days. The entire requisite information is within the jurisdiction of the present PIOs office but even then the concerned departments is shying away from their responsibility and are deliberately not providing the information to the applicant and by gaining time, they might manipulate the information or might be preparing at the time being or secondly they are not interested to share the aforesaid information with the applicant since the presentment of his applicant and more than 35 days had already passed, hence they have violated the fundamental right of the applicant as well as acted violation of the legal provision of the RTI act 2005.

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11. Personal presence at hearing YES/NO:

(Yes) if the applicant cannot be present at the time of hearing for any reason so, Authorized representative will be present and share the proceedings of the First Appeal.

12. Enclosures:

1. Copy of RTI application of with proof of by PIO concerned office.
2. Copy of reply received by the PIO/Addl. DCP North-East, Delhi Police Dated 05/09/2017.
3. Since it is the Appellate Authority/DCP responsibility to inform of the particulars of the Second appellate authority as per section 7(8)(iii) of the act.

13. Declaration:

I hereby state the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter has not been previously filed with any information commission nor is pending with any tribunal or authority but this case is pending for the decision from the Hon'ble special court, Anti-corruption, tees hazari, Delhi. and only pending for relevant document by the PIO/ Addl. Deputy Commissioner of Police, North-East District, Delhi Police, Seelampur, Delhi. It is also declared that the copy of the reply of RTI Application and the copy of the appeal

and the order of hearing of First Appeal will be on record in the Hon'ble court for the justice, if required.

Place: *Delhi*
Date: *10 4 SEP 2017*

RACO
(Road Anti-Corruption Organization)
(*Rahul Sharma*)
[Signature] The Founder
Signature of Appellant