

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/CC/A/2015/002194/SB

Dated 06.09.2016

Appellant : ShriPawan Aggarwal,
Near Gelal Street, Mandi Chowk,
Moradabad, U.P.-244 001.

Respondent : Central Public Information Officer,
Ministry of Home Affairs,
North Block, New Delhi-110001.

Date of Hearing : 06.09.2016

Relevant dates emerging from the appeal:

RTI application filed on : 13.09.2014

CPIO's reply : 25.09.2014/30.12.2014

First appeal filed on : 13.10.2014

Second appeal filed on : 05.01.2015

ORDER

1. ShriPawan Aggarwal filed an application dated 13.09.2014 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Prime Minister's Office (PMO) seeking information on four points pertaining to list of persons declared martyrs/anti-national. The CPIO, PMO vide letter dated 25.09.2014 transferred the RTI application to the Ministry of Home Affairs (MHA).

2. The appellant filed a second appeal dated 20.01.2015 before the Commission on the grounds that he has not been provided any information by the CPIO as well as the First Appellate Authority (FAA). The appellant further submitted that disciplinary action should be recommended against the CPIO and penalty @ Rs.250/- per day be imposed till the providing of the information.

Hearing:

3. The appellant Shri Pawan Aggarwal was present through video conferencing. The respondents Shri V.K. Rajan, Deputy Secretary (E) & CPIO and Shri R.P. Sati, Under Secretary, FFR Division, MHA were present in person.

4. The appellant submitted that no information has not been provided to him in response to the RTI application. The appellant further submitted that the sedition cases have been filed against number of persons. Hence, MHA should be having details about persons who are being involved in anti-national activities. Similarly, the Freedom Fighters Division, MHA will also be having information about freedom fighters/martyrs.

5. The respondent submitted that the appellant was informed vide letter dated 08.10.2014 that MHA does not declare/categorize any person in this country as a 'Patriot', 'Traitor' or a 'Martyr' based on certain yardsticks/specifications or compiles/maintains any data of such categories of persons. In view of this, this Ministry is not in a position to provide information in respect of point nos. 1 to 3 of the RTI application. The respondent further submitted that under the provisions of the RTI Act, 2005, a public authority is under obligation to provide an applicant only that information which exists in the records and is held by or under the control of that authority. The RTI application w.r.t. point no.4 of the RTI application was transferred to CPIO, FFR Division, MHA. The CPIO, Freedom Fighter Division, MHA vide letter

dated 20.11.2014 transferred the RTI application to Indian Council of Historical Research (ICHR), Ministry of Human Resource Development (MHRD).The Deputy Director (Admn.), ICHR vide letter dated 30.12.2014 had informed the appellant that the information sought in point nos. 1 to 3 is not related to ICHR and that information sought on point no.4 could be obtained after extensive research from the books available in the library.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that as per National Crime Bureau Research (NCRB) 47 cases pertaining to sedition were registered in 2014. Hence, information about persons indulging in anti-national activities should be available. Therefore, in case the information was not available with MHA, the RTI application should have been transferred to the public authority which holds such information. The Commission also notes that in an another matter (file No.CIC/VS/A/2014/001129/SB dated 02.02.2016) the ICHR had informed that it is working on a project of Ministry of Culture, Government of India entitled 'Dictionary of Martyrs: India's Freedom Struggle (1857 to 1947)'. The Commission had also observed that MHA should have a credible repository of information on freedom fighters. The Commission, therefore, directs the CPIO, MHA to provide point wise information as available with them to the appellant and point(s) for which the information is not available with them, forward the RTI application to the public authority concerned. The directions of the Commission shall be complied with within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations, the appeal is disposed of.
8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer