Immediate

No. 24/126/2014-Public
Government of India / Bharat Sarkar
Ministry of Home Affairs / GrihMantralaya
****

North Block, New Delhi.
Dated 9 – 7 – 2014

ORDER

Subject: First appeal under Right to Information Act, 2005.

Whereas Shri S C Agrawal had sent an application dated 26.03.2014, transferred by Prime Minister's Office for point no. 2-7, 11-16 & relevant portion of points 8-10 of the application, received by the CPIO concerned on 25.04.2014 seeking information regarding Padma awards under Right to Information Act, 2005.

2. Whereas the CPIO had sent a point wise reply vide letter number 24/126/2014-Public dated 23.05.2014.

3. Whereas Shri Agrawal has sent an appeal dated 28.05.2014, received in this Ministry on 29.05.2014. The Appellant has requested to provide him the information free of cost for the information sought at query no 2, 5 and 16 as the CPIO has provided him information after the prescribed days. The appellant has also appealed on the information provided at point no. 8-9, 12, 14 and 15.

4. The appeal was examined and it is found that the reply given by the CPIO was within 30 days but reached you on 33rd day. Hence the CPIO is being directed to provide the information free of cost. Reply at point no. 8-9, 14 and 15 provided to you is as per Act. No action is taken on the individual complaints about reports submitted by the intelligence authorities. Hence the reply at point no. 12 is correct.

5. The Appeal is disposed of accordingly. The appeal is being disposed of after 30 days due to exigency of work but within 45 days in accordance with section 19(6) of the Right to Information Act, 2005.

9/7/14

(Satpal Chouhan)
Joint Secretary (Admn.)
& Appellate Authority
Tel. No.: 2309 3178

Shri Subhash Chandra Agrawal,
1775, KuchaLattushah,
Dariba, ChandniChowk
Delhi-110006.

Copy to:

1. Smt. Shyamala Mohan, Director (A & V) & CPIO for providing information free of cost to the appellant w.r.t. to his queries at point no. 2, 5 and 16 of the application dated 26.03.2014

2. SO(IT)

Sl No. 1(A)

CR-283672/13(A) 14

2-9/5/14

2

FIRST APPEAL UNDER SECTION 19(1) OF RIGHT TO INFORMATION ACT

Shri Satpal Chauhan
Joint Secretary (Admn.) & Appellate Authority
Union Ministry of Home Affairs (MHA)
Room No. 194, North Block
New Delhi-110001

Appeal.
29/5/14
Dir (ARU)
29/5/14
US(P)

311

Sir

I vide my RTI petition dated 26.03.2014 addressed at Prime Minister's Office (PMO) sought complete information together with related documents/correspondence/file-notings on under-mentioned aspects also relating to enclosed submissions e-mailed also to PMO:

1. Complete information together with related correspondence/file-notings/documents on action taken on each aspect of submissions 'Did eminent persons declined to be on Padma-Awards committee?' (21.03.2014) 'Take back Padma-Award from Saif Ali Khan....' (14.03.2014) and 'Vijay Kelkar recommended Padma-award for a wilful bank-defaulter...' (17.11.2013) by PMO and/or by public-authorities where submissions have been forwarded
2. Complete information together with related file-notings/documents/correspondence on selecting eminent-personalities for Awards-Committee for Padma-Awards-2014
3. Names of personalities (including their respective field of eminence) who were invited to join Awards-Committee for Padma-Awards-2014 together with offers of letters etc sent together with related correspondence/file-notings/documents on sending such offer-letters: Please provide if offer sent through other modes like telephonically/e-mail etc
4. Names of personalities (a) declining (b) accepting offer to be on Awards-Committee for Padma-Awards-2014 together with their respective letters of declining acceptance
5. Complete information together with all related file-notings/documents/correspondence on selecting members of Search-Committee for Padma-Awards-2014
6. Did any one invited to be on Search-Committee for Padma-Awards-2014 decline to be on Search-Committee?
7. If yes, names of those who declined to be on Search-Committee for Padma-Awards-2014 together with their respective letters of declining offer to be on Search-Committee
8. Did PMO and/or some concerned public-authority receive objection's against some of Padma-awardees including ar.. for year 2014?

Even if date of receipt of RTI petition may be taken as 25.04.2014, response is mailed by MHA beyond 30 days of receipt RTI petition thus entitling the petitioner to get copied documents free-of-cost under section 7(6) of RTI Act. Otherwise also DoPT circular F.No.12/31/2013-IR dated 11.02.2013 following a CIC-verdict clearly states that copying charges must be demanded in a reasonable time in a manner that information (copied documents) may finally reach to the petitioner within 30 days of receipt of RTI petition by the concerned public-authority. How is it practically possible when demand-note reaches to the petitioner on 33rd day of receipt of RTI petition as admitted by the CPIO even though the petition must have been received at MHA much earlier. Under the circumstances I appeal that learned CPIO may kindly be directed to provide copied documents free-of-cost under section 7(6) of RTI Act.

Learned CPIO in response to query-numbers (8) and (9) of RTI petition confessed having received some informal objections against some of Padma awardees 2014. But RTI Act provides access to information only when such recorded data in some form or other is maintained. I appeal learned CPIO to be kindly directed to explore further about the information already provided about 'informal objections' with sought and related documents now to be provided free-of-cost under section 7(6) of RTI Act.

Learned CPIO in response to query (12) replied that no information is available with MHA. I appeal that RTI petition may kindly be directed to be transferred/revert-back etc to concerned ones under section 6(3) of RTI Act under due intimation to me for response to query (12).

Learned CPIO in response to query (14) provided a response which is not practical to be believed. It is practically impossible that all about ten members or so of the Awards Committee simultaneously raise some recommendation in a consensus manner. After all some single member has to float a recommendation which may be accepted by consensus amongst all the members of Awards Committee.

Learned CPIO declined information on query (15) as exempted under section 8(1)(j) of RTI Act. Such a secretive attitude definitely hides big lapse in selection-procedure of Padma awardees. Section 8(2) of RTI Act clearly states that information will be provided in case public-interest

No. 24/126/2014-Public
Government of India/ Bharat Sarkar
Ministry of Home Affairs/ Grih Mantralaya
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North Block, New Delhi.
Dated the 23. 05. 2014

To,

Shri Subhash Chandra Agrawal,
1775, Kucha Lattushah,
Dariba, Chandni Chowk
Delhi-110006.

Subject: Information under Right to Information Act, 2005.

Please refer to your application-dated 26.03.2014 transferred by Prime Minister's Office for point no. 2-7, 11-16 & relevant portion of points 8-10 of the application, received by the undersigned on 25.04.2014 under the Right to Information Act, 2005 seeking information about Padma Awards. The information pertains to your queries are as below:

Sl No.	Response
2	Desired notes and correspondence comprises 74 pages. You are requested to submit a fee of Rs. 148/- as photocopying charges in favour of Accounts Officer, MHA.
3	Please refer to reply of point 2 above.
4	Please refer to reply of point 2 above.
5	Desired notes and correspondence comprises 108 pages. You are requested to submit a fee of Rs. 216/- as photocopying charges in favour of Accounts Officer, MHA.
6	No.
7	In view of point 6 above, does not arise.
8	Some informal objections were received in this Ministry against some of Padma Awardees of 2014. However, no such consolidated data is maintained by this Ministry.
9	
10	Ministry of Home Affairs had received some objections against Shri Firodia and Shri Khan.
11	No steps has been taken to take back Padma Awards from Shri Arun Firodia and Shri Saif Ali Khan.
12	No information is available.
13	Prof. Sushanta Dattagupta's name was withheld due to some additional inputs received by the intelligence agencies
14	Recommendations of Padma Awards Committee is decided on general consensus.
15	Disclosure of desired information would cause unwarranted invasion of the privacy of the other individuals. Hence it cannot be provided under Section 8(1)(j) of the RTI Act, 2005.
16	Desired information comprises 2 pages. You are requested to submit a fee of Rs. 4/- as photocopying charges in favour of Accounts Officer, MHA.

2. Appeal if any, may be made under Section 19(1) of the RTI Act to Shri Satpal Chouhan, Joint Secretary (Admn.), Room no. 194, Ministry of Home Affairs, North Block, New Delhi-110001, the Appellate Authority, within 30 days.

M Shyamala

(Shyamala Mohan)
Director & CPIO

No. 24/126/2014 - Rule

PRIME MINISTER'S OFFICE

South Block
New Delhi-110 011

No. RTI/1923/2014-PMR

Dated: 02 /04/2014

OFFICE MEMORANDUM

Subject : Application under Right to Information Act, 2005.

An application dated 26/03/2014 received on 31/03/2014 from Shri Subhash Chandra Agrawal on the above noted subject is transferred under section 6(3) (ii) of the Right to Information Act, 2005, for action as appropriate.

Application fee has been received.

(S.E. Rizwi)
Deputy Secretary and
Central Public Information Officer
Phone: 2307 4072

Home Secretary
Ministry of Home Affairs
North Block, New Delhi – 110 001

Points 2 to 7, 11 to 16 & relevant portion of points 8 to 10

Copy by Registered AD to:

Shri Subhash Chandra Agrawal
1775 Kucha Lattushah
Dariba, Chandni Chowk
Delhi - 110 006

You are advised to approach the above public authority for further information regarding the matter. Response in respect of this office, if any, will be provided in due course.