

RTI Templates

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1. RTI to SHO on false 498a arrest

Application for obtaining information under the Right to Information Act, 2005

From:

(Your Name and Address)

To:

Public Information Officer
O/o SSP
XYZ CITY

Reference : FIR No -----Dated----- at XYZ Police Station

Respected Sir,

Subject: Particulars of Information Required on Cr.No:XXYY/2009

1. Please provide me the Station House Diary and Roll Call of Cr.No: XXYY/2009 starting from dd/mm/yyyy to dd/mm/yyyy and the entire case dairy details (communication docs between I.O, Inspector of Police and ACP).
2. Please supply me information on date, time & place of crime happened.
3. Please provide me I.O details, date, time & place of investigation.
4. As per the complainant statement, she left matrimonial house on ----- due to harassment, please supply the address and time of the incident.
5. Please supply me Cr.No: XYZ/2009 Investigation/enquiry details (happened at crime place,).
6. Please provide me Cr.No: XYX/2009 case certified FIR copy, documentary evidences collected & Charge Sheet.
7. Please supply me certified copies of the documentary evidences collected by the I.O before fixing my family into the case (collected from Miyapur for the allegations happened at Miyapur).
8. Please supply me certified copies of the documentary evidences collected by the I.O before fixing my family into the case (collected from Dilsuknagar for the allegations happened at Dilsuknagar).
9. Please supply me information which are the allegations happened at Dilsuknagar.
10. As per the complainant's statement, they gave 2 plots, 11 lacks rupees cash and 40 tulas gold. Please provide those 2 plots details given and the date of transfer of property and documentary evidences collected by Investigation officer.
11. Please provide the documentary evidences or bank statements for the transaction of 11 lakhs amount.
12. Please provide documentary evidences or receipts for 40 tulas Gold and on which date they have given to accused.
13. Certified copy of complainant's medical or hospital records showing the physical harassment.
14. Please supply me information on when Mr.FIL came to know about the incident (time, place and through which media).
15. Kindly supply information under which sections of the Cr.P.C, the investigation is carried out at Dilsukh

Nagar.

16. As per Cr.P.C- 177 to 181, investigation on the crime should have happened at the crime place (in the present case crime place is Miyapur). Please provide me details whether this investigation is done as per the legal procedure.

17. Kindly provide me information under which section(s) of Cr.P.C or other supporting Act, investigation is carried out for the crime FIR. xyz/2009.

18. As per complaint, it is stated that my family members instigated me to demand dowry, does this allegation, abetting demanding dowry attracts 498-A IPC on my family members. If answer is YES, please provide the supporting reference docs for the same.

19. All the allegations reported on accused persons happened at Miyapur. For the investigation on the crime happened outside your FIR registered PS limits, needs Honorable Court cognizance under Cr.P.C (156 & 170) sections, correct me if I am wrong. Please supply me the permission received from Honorable Court by the investigation team to continue their investigation.

20. Kindly supply me information on the legal Act with section (sub-section if any) under which Saroor Nagar PS can investigate (to file charge sheet U/s-498A IPC) for the crime FIR No.xyz/2009 happened at Miyapur.

21. As per Cr.P.C-161 statements of the complainant's mother and witnesses dowry is given at the time of marriage. Giving dowry and abetting giving dowry is also crime. Kindly supply information why police did not register the case against these persons.

22. Kindly provide me information on not collecting the neighbor's statements at my house, Miyapur, Hyderabad.

23. Please supply me information when I.O met (date, time and place) my sister, brother, parents and relatives (accused) and informed (with which medium) about the allegations on them during the investigation.

24. Please supply me the details of people with whom I.O met during his/her investigation.

25. Please supply me information why the complainant delayed to report the crime on May-15th 2008.

26. Please supply me the documentary evidences supporting the crime by my relatives.

27. Please send me the details (with bills) of the furniture that the complainant gave to us.

28. Please specify the duration of stay of the complainant with my family at Miyapur and also specify the address of stay.

29. Does any proof submitted to the police that show complainant lived with us.

30. Complainant's maternity uncle Mr. BOBBA Reddy says that 1 lack rupees dowry given at the time of marriage. Her mother says 11 lacks dowry given. Which statement is considered to be true by the I.O before filing the charge sheet?

31. Does the I.O have given the opportunity to the accused to tell the facts with him/her before submitting the charge sheet in the honorable court? Please supply me the supporting evidence.

32. Please provide me why I.O not interested to collect the statements from neighbors at Miyapur.

33. Does it require collecting the statements from the neighbors at Miyapur?

34. Please supply me information on "Jurisdiction" of PS in dealing the criminal cases.

35. Does your PS have the jurisdiction to file the charge sheet?

36. Does it required to inform the accused persons about the allegations on them. If answer is yes, does it happen in this case?

37. Do you admit that I.O failed to transfer the case to the respective PS, which has jurisdiction to entertain the case?

Please provide me information on the above mentioned. For any particular item above if information is not available, kindly inform me why that particular item details were not available. If any of the above items is not understood kindly let me know, for rest of the items please send me the information.

Information required: Through Registered Post

Whether the applicant is below poverty line : No

Language demanded (U/s 6(1) of the RTI Act 2005): English

I.P.O (for Rs. 10/-) No:

In case the subject matter /any of the information is held by / related to another public authority, You are requested to transfer the application or such part of it as may be appropriate to that other Public authority with intimation to the undersigned (Section 6(3) of RTI Act).

Place:

Date: Signature

1. I have given a petition dated ----- requesting my wife to join matrimonial life, why IO did not disclosed that information in the Charge sheet or did not present it to the Honourable court.

2. Complainant and her parents very well knows about this petition for request to join marital life and in reply to that she denied to join marital life, but nowhere they mentioned about this in the FIR. Why the investigation officer did not disclosed this information in the charge sheet.

2. RTI to DGP on Arrests but later acquitted

Application filed under the RTI Act, 2005 u/s 6 (1) and 4(1)(d)

To
The Public Information Officer
O/o The Director General of Police
1-Tilak Marg,
Lucknow.

Sir / Madam,

Please furnish the following information by way of certified/attested copies, wherever relevant:

1. Is the Memo No. 15/2004 issued by the DGP, Uttar Pradesh on 17-May-2004 applicable to the city of Uttar Pradesh?
2. Whether any similar memo/circular is issued by any police authority for implementation & compliance by all Police Stations and Investigation Officers across the state of Uttar Pradesh?

(a) If yes,

(1) please furnish certified/attested copy of the communication sent by the concerned police authority to all the SPs.

(2) please furnish the mechanism/procedures adopted by the UP State Police dept for proper compliance by all Police Stations and Investigation Officers.

(b) If no, please furnish information on why the contents are irrelevant when thousands of people - minors, young males, young married & young unmarried women, senior citizen men & women - are being arrested every day. (Source: NCRB Statistics for 2008)

3. Arrests/Bails/Undertrials:

Please furnish the following information for each district in of the state of Uttar Pradesh for the year 2009 (i.e, from Jan 1, 2009 to Dec 31,2009) pertaining to IPC section 498-A, IPC section 304-B, Dowry Prohibition Act & related complaints:

- (a) How many complaints were received
- (b) How many persons were accused
- (c) How many of the accused were arrested
- (d) How many of the arrested were below the age of 18 years (minors)
- (e) What is the age & sex of the youngest person arrested
- (f) What is the age & sex of the oldest person arrested
- (g) How many of these arrests were made on:
 - (1) Fridays,
 - (2) Saturdays,
 - (3) Sundays,
 - (4) On a day before it is holiday(s) for the courts
- (h) After the arrest, how many of the arrested persons have committed suicide?
- (i) After the arrest, how many of the arrested were released on bail
 - (1) on the same day
 - (2) within 3 days
 - (3) 4-7 days
 - (4) 8-15 days
 - (5) 16- 30 days
 - (6) One month to 6 months
 - (7) Upwards of 6 months

(j) How many were given bail but not released for want of sureties/caution money or security deposit

4. All the information sought in the para 3 above may also be furnished for top 10 cities/towns/police stations which received the highest complaints in the state of Uttar Pradesh.

5. Passports:

Please furnish the following information pertaining to the year 2009 with the reference to IPC 498A complaints, across the state of Uttar Pradesh, for each district:

- a. How many passports, held by Indian nationals, have been seized/confiscated/withheld by the police?
- b. How many passports, held by foreign nationals, have been seized/confiscated/withheld by the police?
- c. Under what laws & authority have the police seized/confiscated/withheld these passports?

6. Chargesheeted but acquitted:

As per the statistics published by the National Crime Records Bureau, for the year 2008, out of the 3,74,760 cases pertaining to IPC 498A, the conviction happened only in 7,710 cases resulting in a mere 2% conviction rate. A skim through will highlight that the same is the scenario for all the previous years as well.

Please furnish the following information for each district in of the state of Uttar Pradesh for the year 2009 pertaining to IPC 498A & related complaints:

- (a) How many of the arrested women were acquitted by the trial court?
- (b) How many of the arrested men were acquitted by the trial court?
- (c) What is the compensation that these acquitted persons are eligible for the loss of reputation caused by the arrest?

6. NHRC & Supreme Court of India Guidelines regarding Arrest:

(a) The National Human Rights Commission vide No. 7/11/99-PRP&P dated 22 November, 1999 and titled "NHRC Guidelines Regarding Arrest" issued specific guidelines and recommended to the adherence of the guidelines stipulated by the Hon'ble Supreme Court of India in its landmark judgement (Joginder Kumar's case- (1994) 4 SCC 260).

Whether all the personnel, across the rank and file of the police department, are aware of the above cited guidelines?

- (1). If yes, please furnish information pertaining to the compliance & adherence to the guidelines, point by point, mentioned in the NHRC circular.
- (2). If no, please furnish information on the methods of creating such awareness among the rank and file of the police personnel in the state of Uttar Pradesh.

(b) The Hon'ble Supreme Court of India, in many of the judgements while criticizing the arbitrary methods of the police officers about the arrests, said that "loss of reputation (due to arrest) is equivalent to loss of life and liberty."

Whether all the personnel, across the rank and file of the police department, are aware of these judgements of the Hon'ble Supreme Court of India?

- (1). If yes, please furnish information on the steps taken by the highest officer and /or any other senior police officer in directing the Police Stations and Investigation Officers to ensure that the "loss of reputation due to unnecessary arrests" is curtailed.
- (2). If no, please furnish information on the methods of creating such awareness among the rank and file of the police personnel in the state of Uttar Pradesh.

7. Remedial & Proactive Measures upholding rights of the common: Against this backdrop, please furnish information on the steps taken by your good office in upholding the dignity, liberty, respect, reputation, livelihood & rights of common man as enshrined in the Constitution of India in not getting arrested by police in

IPC 498A and other related complaints.

All the above information may be sent by local speed post to the applicant's address mentioned above.

Kindly provide information to each point separately. No clubbing of points even if information may be repeated.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of applicant knowledge it pertains to your esteemed office in your statutory capacity as Public Information Officer u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Kindly provide information to each point separately. No clubbing of points even if information may be repeated.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of applicant knowledge it pertains to your esteemed office in your statutory capacity as Public Information Officer u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Kindly provide the name & designation of the officer who is providing this information along with the details (name & designation) of first appellant authority as per rules of RTI Act. Since there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by registered / speed post on the address mentioned above, within 30 days (thirty days). As prescribed under the Right of Information rule 2005 and as per the circular of Director General of Police- U.P via D.G.P office reference 80/2007 dated 14th September, 2007 which states that to provide the information of RTI application within 30 days of time.

Your early reply will be appreciated.

Thanks & Regards,

Your Name
Address

3. Interesting Stats On Arrests Of Women (Mother & Sister)

In 1930, the British govt arrested 17,000 women for their involvement in the Dandi Yatra (Salt March). During 1937 to 1947 (10 Years), they arrested 5,000 women involved in the freedom struggle. From 2004 to 2006, the govt of India arrested 90,000 women of all ages under 498A. On the average, 27,000 women per year are being arrested under this flawed law. These are stats from the NCRB

4. DP3 FIR Format

Reference No:

Through Registered / Speed Post

Dated :

To,
The Senior Superintendent of Police,

Subject:- Request for registration of FIR against Ms.(Wife Name), Mr (FIL Name),Mrs (MIL Name) Mr (BIL Name) & Ms(SIL Name) & other R/o –(There Residence Address) U/s 30f D.P.Act.

Sir,
I YOUR NAME S/o Your Father's Name R/o (Your Address) have been falsely implicated by my wife Ms. (Wife Name) in coalition S.H.O of P.S. (Where FIR had registered).
SHO on false complaint of my wife have has registered the FIR No._____ dated _____, and booked me and my family members (Father, Mother & Married Sister and other if any) u/s 498A,323,504,506 of IPC and 3/4 of DP Act.

In FIR No._____ dated _____ at P.S (Where FIR had registered), My wife & her parents claims to have given huge dowry in the marriage worth Rs._____Lacks (XYZ LACKS) which is prohibited under Section 3 of Dowry Prohibition Act.

Ms.(Wife Name), Mr (FIL Name),Mrs (MIL Name) Mr (BIL Name) & Ms(SIL Name), belong to respectable family and are highly educated people. And they are very much aware of the fact that if taking dowry is crime and giving dowry is too a crime. By giving huge sum of alleged dowry of Rs._____lacks (XYZ Lacks) they have knowingly committed the crime.

Giving or taking dowry is an cognizable offence and punishable up to 5 Year.

I request to you to direct SHO (Where FIR had registered) to lodge the FIR against Ms.(Wife Name), Mr (FIL Name),Mrs (MIL Name) Mr (BIL Name) & Ms(SIL Name)

Giving dowry under Sec 3 of DP Act is cognizable offence and it is mandatory for SHO (Where FIR had registered) to take cognizance of such crime which happened in his jurisdiction.

Along with the complaint I am submitting the rulings High Court of India which make him mandatory to book Ms.(Wife Name), Mr (FIL Name),Mrs (MIL Name) Mr (BIL Name) & Ms(SIL Name) under section 3 of DP Act, it being cognizable offence.

Further Learned SSP, go through these rulings and understand them very well and direct SHO(Where FIR had registered) to take action against my wife and in-laws & other relatives to register FIR for cognizable offence like "Giving Dowry" under Section 3 of DP Act.

The judgments and rulings wch is provided are as under, which make you mandatory to direct SHO(Where FIR had registered) to register FIR for cognizable offence like "Giving Dowry" under Section 3 of DP Act.

Hon'ble High Court of Delhi via CRL.M.C 7262-2006 23.02.2007 which talks about registering the FIR against educated people who gave the dowry, in spite knowing the fact that giving dowry is crime and Learned SHO should not entertain any complaint, if the Rule 2 of the Dowry Prohibition(Maintenance of List of Presents to the Bride and Bridegroom) Rules, 1985 is not complied with.

Despite all the ruling and judgments Learned SHO in coalition with my Wife and in-laws registered false FIR

against me and my parents without investigating and demanding the required prove of source of income, Flow of money, income tax return, bills of expenses of Rs _____lacks(XYZ Lacks) , and mandatory Maintenance List (stridhan List).

I would request you to kindly look into my grievance and direct to SHO(Where FIR had registered) to register the FIR against Ms.(Wife Name), Mr (FIL Name),Mrs (MIL Name) Mr (BIL Name) & Ms(SIL Name) for giving the dowry u/s 3 of DP Act and no abiding to Rule 2 of DP Rule, 1985.

I have full faith on the Ld. Senior Superintendent of Police of Police that I will be given justice by initiating a strict action against all the law misusers named above by registering a case and saving the precious time and burden of judiciary for preventing undersigned to request the court to initiate action in case of failure.

Thanking you,

With Best Regards,

(YOUR NAME)
YOUR ADDRESS

Enclosed:

Annexure A: - Copy of my wife complaint dated_____ & FIR dated _____

Annexure B: - High Court Judgment of CRL.M.C.7262/2006 dated 23-02-2007

5. DP3 FIR RTI

Reference No:

Through Speed Post

Date: _____

To,
The Public Information Officer
Office of Senior Superintendent of Police,

Subject: Request for information required under section 6 of RTI Act 2005

Reference: My complaint under reference no Ref No:-----, dated----- sent through speed post no.----- (photocopy enclosed as Annexure -A along with its enclosures) for registration of case against Ms.(Wife Name), Mr (FIL Name),Mrs (MIL Name) Mr (BIL Name) & Ms(SIL Name), and accomplices under section 3 of dowry prohibition act, 1961.

Dear Sir / Madam,

I humbly request you to furnish me the following information under the RTI Act 2005.

A. Action taken report by your department in compliance with my complaint.

B. Daily progress made on my complaint till date of your reply.

C. Names, designations and office addresses of the officials with whom my application was lying during this period and date wise period with each official and action taken by him/her.

D. Please give evidence of receipt and dispatch of my application in the offices of each of these officials.

E. Please inform me, according to your department rules, number of days in which such a matter should have been dealt with and resolved. Please also provide a copy of these rules.

F. If the officials have not adhered to the time limit mentioned in rules and are guilty of violating these rules please give a copy of their conduct rules and details of action taken by your department against erring officials.

G. In case no action has been initiated for dereliction of duties against erring officials, the reasons are made known to me.

H. Please let me know when I am likely to receive copy of FIR against my complaint.

I. Action taken report against the concerned authority if the FIR is not done till date. Since as per Hon'ble High Court of Delhi in W.P.Crl.No. 1266 of 2007 dated 10,Oct2007- stating disciplinary action against Police officials for refusal of FIR where cognizable offence is reported.(Attached as Annexure B) & Copy of circular of Director General of Police-Uttar Pradesh in DGP Office reference no:18/2008 dated:7th Feb,2008 that First Information Report – Registration of complaint disclosing cognizable offence is Mandatory (Attached as Annexure C)

J. Whether the related police officials who deal with marital disputes, crime against women and dowry related cases are aware that giving dowry is a cognizable offence under section 3 of dowry prohibition act, 1961 and there's a penalty of imprisonment up to 5 years for giving dowry or abetting the giving of dowry.

K. Whether the related police officials who deal with marital disputes and dowry related cases are aware of Rule 2 of the Dowry Prohibition (Maintenance of List of Presents to the Bride and Bridegroom) Rules, 1985. If the answer is yes, then are they complying the provisions of the Dowry Prohibition Rules, 1985 while accepting complaints from women?

L. Whether the related police officials who deal with marital disputes and dowry related cases is aware of the High Court Judgment in respect of CRL.M.C.7262/2006 dated 23-02-2007.

M. Supreme Court of India has also declared the misuse of 498A as legal terrorism, so whether concerned police officer and Station House Officer, Krishna Nagar, Kanpur Road, Lucknow are considering the Income Tax Return, Bank Statements, Flow of Money, Bills of purchase of dowry items, of bride and her family who claims for huge expenses before accepting the complaints of women.

N. Concerned Police Officer & Station House Officer Krishna Nagar, Kanpur Road, Lucknow is responsible for case recommendations on the preliminary stage for filing of FIR on the martial disputes, therefore what are the actions and measures available at the Station House Officer Krishna Nagar, Kanpur Road, Lucknow to prevent the registration of such false complaint. Because false and fabricated complaints are increasing the burden on Police and Judiciary system.

O. Kindly provide details of the various provisions/actions taken by SHO, Krishna Nagar, Kanpur Road, Lucknow if the list of Stridhan submitted by brides accepted due to failure /negligence of compliance of any Act/Judgments mentioned above. The information sought by the undersigned falls within the ambit of RTI Act and the information is existing therein. It is further requested that the High Court Judgment WP{C} No. 3114/2007 dated 19-11-2007 (Annexure D) and decision of Central Information Commission under appeal no. CIC/WB/A/2007/00264 dated 02/03/2007 (Annexure E) and under appeal no. CIC/WB/A/2007/00336 dated 02/03/2007 (Annexure F) may please be considered before invoking the provisions of Section 8 of RTI Act 2005.

Kindly provide information to each point separately. No clubbing of points even if information is repeated.

Kindly provide me the name & designation of the officer who is providing this information as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Initial fee of Rs. 10/- in the way of Postal Order of Rs 10/- bearing serial number ' _____ ' has been enclosed with application as prescribed under Right to Information Rules 2005.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by post on the address mentioned below, within 30days(thirty days). As prescribed under the Right of Information ACT.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of my knowledge it pertains to your esteemed office in your statutory capacity as PIO u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Please rush the information to me by speed/registered post.

Undersigned is ready to pay processing fee (if any) required to furnish above said information. Your early reply will be appreciated.

Thanking You,
With Best Regards,

Your Name
Your Address

Note:

Enclosed : As above Annexure A to Annexure F

6. RTI after 498a Charge Sheet

Dated: -----

THE RIGHT TO INFORMATION ACT 2005 - APPLICATION FOR OBTAINING INFORMATION

To,
The Public Information Officer,
O/o DIG / SSP

Name of the applicant:

Residence address:

Mobile:

Details of payment of filing fees: Initial fee of Rs. 10/- in the way of Postal Order of Rs 10/- bearing serial number “ ” has been enclosed along with the application as prescribed under Right to Information Act /Rules 2005. Undersigned is ready to pay processing fee (if any) required to furnish said information.

Information is related to: ----- Police Station

Reference : FIR No.----- of dated:----- which was registered at ----- Police Station, ----- under section 498a, 323, 504,506 of IPC and 3/4 of D.P.Act

Particulars of information required under RTI Act 2005 are as fallows:

1. Kindly provide all documents and evidences collected from complainant Ms. (Wife Name) D/o Mr (FIL Name), R/o – Kanpur Road, Lucknow during the investigation / reinvestigation of the case pertaining to the FIR No.----- - dated:----- which My wife , claims that her parents have given huge dowry in the marriage of there daughter worth Rupees -----Lacks (FIFTEEN LACKS RUPEES).
2. Kindly provide a copy of summons issued to complainant and her witnesses during investigation of the case pertaining to FIR.
3. Kindly provide the list of Streedhan list provided by complainant, is the said list a valid “Streedhan” List as per the Rule 2 of Dowry Prohibition Act.
4. If Stridhan list was not provided then any list of “Streedhan” submitted by the complainant Ms. Pooja Talwar during investigation of the case pertaining to FIR.
5. If the answer to the above question 3 is “Yes”, was the complainant ever asked to provide any evidence in support of the alleged Streedhan.
6. If the answer to the above question 5 is “Yes”, has the complainant provided any evidence of the alleged Streedhan in the last two years including the prolonged phase of further investigation demanded by the complainant.
7. If the answer of the above question 6 is “Yes”, please attach the evidence of the alleged “Streedhan” as provided by the complainant Ms. Pooja Talwar and / or by any of her family members.
8. If the answer to Question 3 is “Yes”, has the complainant been asked to produce valid bills of all items mentioned in the List?
9. In a similar case (Case No. CIC/WB/A/2009/000702) of Shri Vijay Kumar Naru Vs. Delhi Police, CWC, Nanakpura, the Information Commissioner of Central Information Commission has opined that the investigative officer is supposed to provide the information regarding valid bills of Streedhan claimed by the complainant. If

the answer to question 8 is “Yes”, please attach a copy of the valid bill of each item mentioned in the list.

10. Whether the related police officials who deal with marital disputes and dowry related cases are aware of Rule 2 of the Dowry Prohibition (Maintenance of List of Presents to the Bride and Bridegroom) Rules, 1985. If the answer is yes, then are they complying the provisions of the Dowry Prohibition Rules, 1985 while accepting complaints from women?

11. Supreme Court of India has also declared the misuse of 498A as legal terrorism, so whether concerned police officer and Station House Officer, asked the complainant or her family members to provide any Income Tax Returns, Flow of Money, Bank Statements, List of gift received from relatives along with there name and address (if any), Shop Bills of purchase & others pertaining to the items which she claims in the alleged “Streedhan” List?

12. Is Concerned Police Officer & Station House Officer at Krishna Nagar police station is responsible for case recommendations on the preliminary stage for filing of FIR on the martial disputes, therefore what are the actions and measures available at the Station House Officer to prevent the registration of such false complaint. Because false and fabricated complaints are increasing the burden on Police and Judiciary system.

13. If the answer to the above question 11 is “Yes”, please provide a copy of the said Income Tax Returns, Flow of Money, Bank Statements, List of gift received from relatives along with there name and address(if any), Shop Bills pertaining to the purchase of these items by the complainant and her family members.

14. Kindly provide details of the various provisions/actions taken by Station House Officer, if the list of Stridhan submitted by brides accepted due to failure /negligence of compliance of any Act/Judgments mentioned above. The information sought by the undersigned falls within the ambit of RTI Act and the information is existing therein. It is further requested that the High Court Judgment WP{C} No. 3114/2007 dated 19-11-2007 and decision of Central Information Commission under appeal no. CIC/WB/A/2007/00264 dated 02/03/2007 and under appeal no. CIC/WB/A/2007/00336 dated 02/03/2007 may please be considered before invoking the provisions of Section 8 of RTI Act 2005.

Kindly provide information to each point separately. No clubbing of points even if information may be repeated.

Kindly provide me the name & designation of the officer who is providing this information along with the details of appellat authority as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

I may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act.

If you feel that the requested information doesn't come under your office, please follow the provisions of section 6 (3) of RTI Act 2005 and Kindly also intimate me through registered /speed post to whom you are forwarding / transferring my application as prescribes in RTI ACT 2005.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of my knowledge it pertains to your esteemed office in your statutory capacity as Public Information Officer u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by post on the address mentioned above, within 30days (thirty days). As prescribed under the Right of Information rule 2005.

Please rush the information to me by speed/registered post.

Thanking You,
With Best Regards,

7. 498a wife details if she is working

Dated:

To
Public Information Officer
XYZ School

Subject: Request for information through RTI Act 2005

Sir / Madam,

I _____ wish to inform your kind perusal that, my wife Ms (WIFE NAME) D/o Mr (FIL NAME), R/o -----, have filed a criminal & other maintenance case against me, in which she have claimed that, "she is not working anywhere", as per my information she is working / teaching in your branch.

In view of above I humbly request you to furnish me the following information through the RTI Act 2005, in the interest of justice.

Period for which information required : 2000 to 3000

A. Kindly provide me the details of the Smt Pooja Talwar / Malik in which Branch of CMS she is working, kindly provide me the date of Joining and the latest salary slip / details along with the E.P.F no if any.

B. Kindly provide me the details of the Smt Pooja Talwar / Malik in which Branch of CMS she has worked, if she had left the job kindly provide me the date of Joining & date of leaving the job and the last drawn salary slip / details along with the E.P.F no if any.

Request / Relief sought

a) The maintenance case section 24 of HMA & CRPC 125 is registered in Hon'ble Family Court-----.

b) The criminal case section 498a,323,504,506 of IPC and DP Act 3 /4. is registered in Hon'ble Civil Court -----.

c) The undersigned financial interest is affected in the matter, so undersigned is seeking legal relief from the Court.

d) The disclosure of financial details, mainly employment details of Smt Pooja Talwar / Malik would surely help me to show my innocence in court.

e) The disclosure of information sought is, therefore, in larger public interest. The information should therefore be provided.

f) BECAUSE, With Reference to CIC Decision No CIC/SG/A/2009/000106/3889 27 June 2009 in the case of Deep Public School D2, Vasant Kunj, New Delhi (The Commission has perused the information and does not see any merit in the exemption claimed under Section 8(1)(j) by the Chairman of the School-the third party. In view of this the information will have to be provided.)

g) BECAUSE, with reference to CIC Decision No CIC/AD/A/09/00366 Dated 4th May,2009(In this case Wife/Appellant asked certified copies of all documents of passport file including marriage certificate and application form as submitted in passport office. CPIO denied as per sec 8 (1)(j) CIC directed CPIO to provide information with remark Information being sought is not a third party information since the appellant is seeking information about his legally wedded husband.

h) BECAUSE, with reference to CIC Decision No 3774/IC(A)2009 F.No CIC/MA/A/2009/000102 Dated 18th March,2009: (In this matter wife asked information about her husbands medical expenses, service record etc

CPIO denied citing section 8 1(J) . Honorable IC M.M.Ansari directed the CPIO to provide all information citing Since appellant is legally married wife with a child and has asked for details about her husband, there is no justification in withholding any part of information to the appellant as it would assist in resolving the issue by the competent authority As long as couple is not legally separated refusal to share information ...is untenable.

i) BECAUSE, with reference to CIC Decision No 1816/IC/(A)/2008 F.No. CIC/MA/A/2007/00583 Dated 10th Jan,2008(In this matter husband asked PF detail of wife. CPIO denied citing section 8(1)(j) .CIC directed CPIO to provide information to husband with remark The appellants financial interest is affected in the matter, as he is seeking legal relief from the court

j) BECAUSE, with reference to CIC Decision No 2993IC(A)/2008 F. NO. CIC/MA/A/2008/00866 Dated 5th Aug. 2008 (In this case Wife asked whereabouts/residential Address of her husband working in ONGC,CPIO denied citing sec 8(1)(j) .CIC directed to provide information.

Initial fee of Rs10/- in the way of Postal Order of Rs10/- bearing serial number _____ has been enclosed with application as prescribed under Right to Information Rules 2005.

It is requested that, the applicant is a citizen of India, would like to receive the above said information at most urgent on the address mentioned below. For any clarification contact undersigned at, Mobile No: _____ or at address given below.

It is submitted that, the above information pertains to your esteemed office in your statutory capacity as CPIO under section 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Undersigned is ready to pay processing fee (if any) required to furnish above said information.

Now, at the end, I may reasonably expect that, honorable PIO will honor the decisions of CIC as stated above while making decision on this RTI application so that, at least the wastage of time of higher authorities in further proceedings and Legal hassle could be avoided in appeal while discussing the same matter.

Thanking You,
With Best Regards,

8. TEP RTI

REFERENCE NO: Dated:

To,

The Public Information Officer

Sub: - Request for information 6 of RTI Act 2005

Sir / Madam,

Undersigned has submitted an application on dated: _____ in the office of CIT(Commissioner of Income Tax) Income Tax Department, _____ (Attached as Annexure-A).

I humbly request you to furnish me the following information through section 6 & 7 of the RTI Act 2005

1. Kindly provide the certified copy of investigations / assessments are initiated / made on the TEP application under reference no _____ dated _____ submitted by the undersigned .
2. Did Mr. XYZ explained the source of expenditure amounting to rs. _____ on the marriage of his daughter Ms. 498a Wifeduring the course of enquiry made by the office of CIT.? Any other information submitted by him on the source of the above said expenditure?
3. Kindly provide certified copy of observation was made by the C.I.T. while recommending the re-opening of the assessment of Mr XYZ for theAssessment Year (2000-2010) along with copy of the order?
4. Kindly provide certified copy of explanation was offered by XYZ about the source of above of above said expenditure amounting to rs. _lacs during the course of re-assessment proceedings before the Income Tax Officer?
5. Kindly provide certified copy of How much income has been re-assessed in the assessment order of XYZas income from un-disclosed sources and the copy of Asst. order for the last Asst. year 2004-2005.
6. How much Income Tax demand including interest has been created as per notice of demand and also supply the copy of the notice of demand?
7. How much outstanding Income Tax demand has been recovered from XYZ?
8. What action has been taken for the recovery of outstanding demand agaXYZ?

9. Is there any stay order against outstanding Income Tax demand? Copy of the stay order, if any, may kindly be supplied.

10. What is the final stage of Income Tax Case of XYZ the Asst. Year 2004-2005?

11. Smt. 498a WIFE & Smt XYZ ever filed any income tax return mentioning the details of source of alleged money and alleged costly items ever given by them in marriage and after marriage of their daughter as admitted in writing in their List submitted with TEP and also for maintaining other luxuries of life.

12. Whether they have paid income tax & wealth tax on there alleged cash/jewelry expenses.

13. Whether the persons mentioned above are liable for any action against them for tax evasion (income tax, wealth tax, etc) as per rule and kindly give the brief details of recovery efforts/punishments that can be awarded for violating the rule in above cases.

14. Kindly intimate the action initiated/taken by your department against the persons Mentioned above and the amount of Tax recovered/expected to be recovered from them.

15. Kindly provide a copy of the preliminary assessments/investigations.

16. Has XYZ preferred any appeal against Asst. Order? What is the status of the appeal and till what time could its disposal be expected?

17. Kindly provide me the name & designation of the officer who is providing this information as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

It is further submitted that the person named above have ever shown expenditure occurs in marriage of their daughters. The information sought falls within the ambit of RTI Act 2005 and the information is existing therein and can be provided as per Hon'ble High Court decision in regard of WP(C) No. 3114/2007 dated 03/12/2007 (Attached as Annexure C).

The information asked is required expediently in the interest of Justice and mandatory to prove undersigned innocent in the false FIR as attached, filled by my wife Smt 498a wife D/o Shri XYZ in Police Station, Lucknow

Postal Order No. _____ dated: _____ of Rs. 10/- as requisite fee is attached here with. The information shall be furnished within 30 days as per RTI rule.

Now at the end I may reasonably expect that honorable CPIO will honor the decisions of CIC and honorable Court as stated above while making decision on this appeal so that at least the wastage of time of higher authorities in further proceedings could be avoided in appeal while discussing the same matter.

Regards,

HUSBAND

ADDRESS:

MOBILE:

Enclosures:

Annexure -A: - TEP

Annexure-B: - FIR

Annexure- C: - Copy of Hon'ble High Court order WP(C) No. 3114/2007 dated 03/12/2007.

9. Bank Account Details of Ms 498a

To
CAPIO & Branch Manager
ABC Bank ,

Subject: Request for information through RTI Act 2005

Sir / Madam,

Appellant wish to inform your kind perusal that, my wife Smt 498 wife have filed a maintenance case against me, in which she have claimed that, "she is not working anywhere", as per my information she is very well working somewhere, as her salary cheque / salary crediting by employer, every month In the SBI, ABC branch, where she have a bank account & fixed deposits.

Apart from above Smt. 498 a Wife D/o Shri XYZ, had lodged a false FIR against me and my family, under section 498a/323/504/506 of IPC and DP Act 3 /4.

In view of above I humbly request you to furnish me the following information through the RTI Act 2005, in the interest of justice.

Kindly provide me the details of the A/c i.e. A/c No. & A/c Statement of 498 A WIFE, from date of opening of account to till date. Her Address is, House No.- _____

Kindly provide me the details of Joint A/c i.e. A/c No. & A/c Statement of 498A WIFE & Shri. XYZ, from date of opening of account to till date. There Address is, _____

Kindly provide me the details of Fixed Deposit of 498 a wife & joint name of 498a wife & Shri XYZ, there address is.

Request / Relief sought

a) The maintenance case section 24 of HMA & CRPC 125 is registered in Hon'ble Family Court-----.

b) The criminal case section 498a,323,504,506 of IPC and DP Act 3 /4. is registered in Hon'ble Civil Court -----
-----.

c) The undersigned financial interest is affected in the matter, so undersigned is seeking legal relief from the Court.

d) The disclosure of financial details, mainly employment details of Smt Pooja Talwar / Malik would surely help me to show my innocence in court.

e) The disclosure of information sought is, therefore, in larger public interest. The information should therefore be provided.

f) BECAUSE, With Reference to CIC Decision No CIC/SG/A/2009/000106/3889 27 June 2009 in the case of Deep Public School D2, Vasant Kunj, New Delhi (The Commission has perused the information and does not see any merit in the exemption claimed under Section 8(1)(j) by the Chairman of the School-the third party. In view of this the information will have to be provided.)

g) BECAUSE, with reference to CIC Decision No CIC/AD/A/09/00366 Dated 4th May,2009(In this case Wife/Appellant asked certified copies of all documents of passport file including marriage certificate and application form as submitted in passport office. CPIO denied as per sec 8 (1)(j) CIC directed CPIO to provide information with remark Information being sought is not a thirt party information since the appellant is seeking information about hir leagly wedded husband.

h) BECAUSE, with reference to CIC Decision No 3774/IC(A)2009 F.No CIC/MA/A/2009/000102 Dated 18th March,2009; (In this matter wife asked information about her husbands medical expenses, service record etc CPIO denied citing section 8 1(J) . Honorable IC M.M.Ansari directed the CPIO to provide all information citing

Since appellant is legally married wife with a child and has asked for details about her husband, there is no justification in withholding any part of information to the appellant as it would assist in resolving the issue by the competent authority. As long as couple is not legally separated refusal to share information ...is untenable.

i) BECAUSE, with reference to CIC Decision No 1816/IC/(A)/2008 F.No. CIC/MA/A/2007/00583 Dated 10th Jan, 2008 (In this matter husband asked PF detail of wife. CPIO denied citing section 8(1)(j) .CIC directed CPIO to provide information to husband with remark The appellants financial interest is affected in the matter, as he is seeking legal relief from the court

j) BECAUSE, with reference to CIC Decision No 2993IC(A)/2008 F. NO. CIC/MA/A/2008/00866 Dated 5th Aug. 2008 (In this case Wife asked whereabouts/residential Address of her husband working in ONGC, CPIO denied citing sec 8(1)(j) .CIC directed to provide information.

Initial fee of Rs10/- in the way of Postal Order of Rs10/- bearing serial number _____ has been enclosed with application as prescribed under Right to Information Rules 2005.

It is requested that, the applicant is a citizen of India, would like to receive the above said information at most urgent on the address mentioned below. For any clarification contact undersigned at, Mobile No: _____ or at address given below.

It is submitted that, the above information pertains to your esteemed office in your statutory capacity as CPIO under section 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Undersigned is ready to pay processing fee (if any) required to furnish above said information.

Now, at the end, I may reasonably expect that, honorable PIO will honor the decisions of CIC as stated above while making decision on this RTI application so that, at least the wastage of time of higher authorities in further proceedings and Legal hassle could be avoided in appeal while discussing the same matter.

Thanking You,
With Best Regards,

10. EPF DETAILS OF SMT 498a

To
CPIO
EPF DEPT.

Subject: Request for information through RTI Act 2005

Sir / Madam,

I wish to inform your kind perusal that, my wife Smt 498 wife have filed a maintenance case against me, in which she have claimed that, "she is not working anywhere", as per my information she is very well working somewhere, as her EPF is crediting by her employer every month in your EPF office / department, Because here her company / school deposits EPF of there employees.

Apart from above Smt. 498 a Wife D/o Shri XYZ, had lodged a false FIR against me and my family, under section 498a/323/504/506 of IPC and DP Act 3 /4.

In view of above I humbly request you to furnish me the following information through the RTI Act 2005, in the interest of justice.

A. Kindly provide me the details of the EPF A/c i.e. EPF A/c No. & EPF A/c Statement of Smt. 498 A WIFE, from date of opening of account to till date. Her Address is, House / Flat No.-

Request / Relief sought

- a) The maintenance case section 24 of HMA & CRPC 125 is registered in Hon'ble Family Court-----.
- b) The criminal case section 498a,323,504,506 of IPC and DP Act 3 /4. is registered in Hon'ble Civil Court -----.
- c) The undersigned financial interest is affected in the matter, so undersigned is seeking legal relief from the Court.
- d) The disclosure of financial details, mainly employment details of Smt Pooja Talwar / Malik would surely help me to show my innocence in court.
- e) The disclosure of information sought is, therefore, in larger public interest. The information should therefore be provided.
- f) BECAUSE, With Reference to CIC Decision No CIC/SG/A/2009/000106/3889 27 June 2009 in the case of Deep Public School D2, Vasant Kunj, New Delhi (The Commission has perused the information and does not see any merit in the exemption claimed under Section 8(1)(j) by the Chairman of the School-the third party. In view of this the information will have to be provided.)
- g) BECAUSE, with reference to CIC Decision No CIC/AD/A/09/00366 Dated 4th May,2009(In this case Wife/Appellant asked certified copies of all documents of passport file including marriage certificate and application form as submitted in passport office. CPIO denied as per sec 8 (1)(j) CIC directed CPIO to provide information with remark Information being sought is not a thirt party information since the appellant is seeking information about hir leagly wedded husband.
- h) BECAUSE, with reference to CIC Decision No 3774/IC(A)2009 F.No CIC/MA/A/2009/000102 Dated 18th March,2009: (In this matter wife asked information about her husbands medical expenses, service record etc CPIO denied citing section 8 1(J) . Honorable IC M.M.Ansari directed the CPIO to provide all information citing Since appellant is legally married wife with a child and has asked for details about her husband, there is no justification in withholding any part of information to the appellant as it would assist in resolving the issue by the competent authorityAs long as couple is not legally seperated refusal to share information ...is untenable.
- i) BECAUSE, with reference to CIC Decision No 1816/IC/(A)/2008 F.No. CIC/MA/A/2007/00583 Dated 10th

Jan,2008(In this matter husband asked PF detail of wife. CPIO denied citing section 8(1)(j) .CIC directed CPIO to provide information to husband with remark The appellants financial interest is affected in the matter, as he is seeking legal relief from the court

j) BECAUSE, with reference to CIC Decision No 2993IC(A)/2008 F. NO. CIC/MA/A/2008/00866 Dated 5th Aug. 2008 (In this case Wife asked whereabouts/residential Address of her husband working in ONGC,CPIO denied citing sec 8(1)(j) .CIC directed to provide information.

Initial fee of Rs10/- in the way of Postal Order of Rs10/- bearing serial number _____ has been enclosed with application as prescribed under Right to Information Rules 2005.

It is requested that, the applicant is a citizen of India, would like to receive the above said information at most urgent on the address mentioned below. For any clarification contact undersigned at, Mobile No: _____ or at address given below.

It is submitted that, the above information pertains to your esteemed office in your statutory capacity as CPIO under section 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Undersigned is ready to pay processing fee (if any) required to furnish above said information.

Now, at the end, I may reasonably expect that, honorable PIO will honor the decisions of CIC as stated above while making decision on this RTI application so that, at least the wastage of time of higher authorities in further proceedings and Legal hassle could be avoided in appeal while discussing the same matter.

Thanking You,
With Best Regards,

11. Wife & Her Relatives Income Details from his / her employer

To Dated:

The Public Information Officer,

Sub.:- Application under section 6(1) of Right to Information Act 2005.

Sir,

1. Present Designation and department in which Shri _____ is posted at present .(disclosure of such information to public should be made as per RTI act 2005 under section 4(1)(b))
2. The power and duties/job responsibility/work profile of Shri _____.(disclosure of such information to public should be made as per RTI act 2005 under section 4(1)(b))
3. Present Gross Salary and its various components like basic pay,DA,Conveyance,HRA and other allowances of Shri _____.(disclosure of such information to public should be made as per RTI act 2005 under section 4(1)(b))
4. His income from salary for following financial year:
 - 2004-2005
 - 2005-2006
 - 2006-2007
 - 2007-2008
 - 2008-2009
5. Photo copy and details of his educational/professional qualification and his bio data and age proof (like certificate of 10th or any other proof) on the basis of which he is holding a public office in RBI.(Latest relevant decision of CIC dated 10 feb,2009 No.CIC/SG/A/2008/00248/1596 regarding providing such information to public is attached for ready reference)
6. Annual property returns filed by him till date.(Relevant decision of CIC dated 20 March,2008 No.CIC/OK/A/2007/01493 & CIC/OK/A/2008/00027 regarding providing such information to public is attached for ready reference)
7. Following details of LTC(Leave travel Concession) availed/encashed by him since last five years(Also provide Copies of LTC bills)
 - a) Number of persons for which LTC availed
 - b) Block Year of LTC
 - c) Financial Details like total amount claimed and its component for each LTC.
 - d) Destination of travel(Relevant decision of No.CIC/AT/A/2006/00317 regarding providing such information to public is attached for ready reference)
8. Details of amount claimed by Shri _____ during official tour since last five years and during transfer from _____, to _____(Provide Copies of TA bills) .
(Relevant decision of CIC dated 14 Feb,2007 No.CIC/AT/A/2006/00479 regarding providing such information to public is attached for ready reference)
9. Whether he has taken any advance for the marriage of his daughter Smt _____h from RBI ?
10. In case an advance is sanctioned for marriage purpose(for daughter of Shri _____) a certificate to the effect that no element of dowry is involved, is required to be taken from him as per rules of RBI (section 3.140(III)(VI)).Whether he has submitted such certificate ? if yes then please provide certified photocopy of such document.
11. Details of all temporary advance taken by him after 1.1.04 from _____(Amount,purpose etc)
12. Has he taken any permission from bank for accepting gift in the last six years ?

13. Whether as per _____ records he was involved in borrowing or lending money ? if yes then provide the details and also provide the information whether he has taken due permission from _____ and filed return of his liabilities ?(provide photocopy of all such documents furnished by him as per staff regulation /other relevant rules)

14. Whether he has informed the _____ in any manner that expenditure on the marriage of her daughter was Rs._____ Lacs and disclosed the source of fund ? if yes then photocopy of such document ?

Initial fee of Rs. 10/- in the way of postal order (Rs 10/- bearing serial number ‘ _____’ is attached with application) has been attached as prescribed under Right to Information Rules 2005. Further it is requested that the applicant would like to receive the above said information by post on the address mentioned below, at the earliest. For any clarification contact me at _____-__ or at address given below.

Yours truly

12. Service Rules

To, Dated :
The Public Information Officer,

Sub.: Application under section 6(1) of Right to Information Act 2005.

Sir,

It is requested that please provide following information:

1. Photocopy of conduct and discipline rules of department
(rules which have definition of misconduct like taking or giving dowry, implication of taking gifts, rules governing the transaction of movable, immovable property and investment, lending and borrowing by employee, rules for disciplinary action against errant employee and penalty, ground for suspension/removal/dismissal from services of department)
2. Criteria for promotion from Manager to next higher rank in department ?
(like educational qualification, experience, departmental exam/interview etc)
3. Whether married daughter and son-in-law of an employee is eligible to stay in holiday homes of department ?
(if yes then is there any difference in fee charged by holiday home from employee and from his/her married daughter ?)
4. Is there any employee transfer policy exist in department ? if yes then its photocopy
5. Name, Designation, Address, Contact Number of the Authority in department with whom the complaint can be lodged by the public against officer of the RBI for his/her misconduct/corruption?

Initial fee of Rs. 10/- in the way of cash postal order of Rs 10/- bearing serial number '_____' has been attached as prescribed under Right to Information Rules 2005. Further it is requested that the applicant would like to receive the above said information by post on the address mentioned below, at the earliest.

For any clarification contact me at _____ or at address given below.

With best regards,
Yours truly

Address :

13. Tax Evasion Petition

TEP

Dated: _____

To,
Chief Commissioner Of Income Tax

Sub: Tax Evasion Petition against Shri. XYZ S/o Shri ABC

Dear Sir/ Madam,

This is a tax evasion complaint against Shri XYZ S/o Late Shri ABC whose details are:

Residence Address: _____ Office / Business address _____

Background

Smt. 498^a WIFE D/o Shri. XYZ has framed a false dowry complaint under section 498a/323/504/506 of IPC and under section 3/4 Dowry prohibition act .It has been claimed by Smt 498 A WIFE in her own admission that Shri XYZ & Smt XYZ WIFE had spent over Rs ____ lacs in the marriage on MAY, 2004 (in financial year 2004-2005)

Interestingly Shri XYZ & Smt XYZ WIFE married her second daughter even if we assume that same amount of money was spend in her marriage as alleged in the FIR. It needs to be verified how come Shri XYZ amassed such an astonishing wealth for both these marriages.

Shri XYZ & Smt XYZ WIFE also married his second daughter where it is presumed that he must have spent an equivalent amount in her wedding. It means he spend more than 30 Lacks Rupees. It becomes my duty as a patriot and citizen of India to ask the authorities to verify the source of income and tax returns filed by Shri XYZ.

It is submitted that Shri XYZ was a _____ employee and was worked with _____, where from he bought such huge sum of money for said dowry and has carried other liabilities of family besides having other liabilities is a matter of investigation which your esteemed department has the jurisdiction to investigate.

Please investigate as to whether Shri XYZ, Smt XYZ WIFE (housewife though) has ever shown such a huge amount as his / her income and paid taxes on the same (this income does not include only amount allegedly spend on dowry items but also amount spend on other liabilities of his family and invested / spend on the properties owned by him) and if they had purchased the items of dowry from shops / showrooms after paying proper taxes for their purchase.

Ground for complaint

As Shri XYZ (as claimed) had spent Rs ____ lacs in financial Year 2004-2005 so his income tax return and source of fund of Rs ____ lacs may be verified and tax should be collected as per provision of Income Tax.

Further careful perusal of the FIR & Attached Complain letter of Smt 498 A WIFE hints provision of section 68,69,69A, 69B, 69C & 69D under Income Tax Act of 1961 are applicable on Shri XYZ as far as in my knowledge. However there may be many other provisions of income tax which is best known to Honorable Income tax authority.

The section 68 deals with cash credits proving identity of the creditor, capacity of the creditor, genuineness of the transaction are the important things of this section. Section 69 & 69A, B deals with unexplained investment, unexplained money & investment not fully disclosed in books of accounts.

Section 69C deals with the unexplained expenditure, the important requirement of this section is that an

expenditure has been found to have been incurred by an assessee in any financial year and the assessee fails to indicate satisfactory source of such expenditure.

Request & Relief sought

Shri XYZ income and source of fund should be verified for expenditure of Rs. ____ lacs in financial year 2004-2005 to recover the tax and start proceedings against Shri XYZ as per provision of Income Tax and the authority is under bounden duty to investigate the said information since it relates and its refusal may prejudice the appellant upon which an FIR has been registered.

Since criminal jurisprudence, it is clear that innocent person should not be convicted and a person is presumed innocent unless found guilty/convicted.

Honorable Justice S. N. Dhingra has also given voice to my feelings in his Judgment of “Neera Singh Vs. The State (State Govt. of NCT of Delhi) & Others – CRL.M.C.7262/ 2006 – 23.02.2007 as below
“Now-a-days, exorbitant claims are made about the amount spent on marriage and other ceremonies and on dowry and gifts. In some cases claim is made of spending crores of rupees on dowry without disclosing the source of income and how funds flowed. I consider time has come that courts should insist upon disclosing source of such funds and verification of income from tax returns”

It is therefore requested that necessary Investigations may kindly be made against Sh. XYZ, Smt. XYZ WIFE and Smt 498A WIFE the interest of justice and requirements’ of law.

Shri XYZ provides the details of money being spend as gift received from the relatives, friends etc, the flow of money should also be verified as there is every apprehension that he may provide false Information and cheat the Tax Authorities.

As per Income tax rules, the source of Shri XYZ income must be checked and recovery should be made from him against the expenditures he has made in the marriages of his daughters. I may be given the due prize money as per income tax guidelines for revealing this to the authorities.

I would also like to request that the name of investigating officer be provided to me who will be looking at this matter, as there is every apprehension that the information provided to me will be misleading due to political pressure and beauraucratic contacts of Shri XYZ, Smt XYZ WIFE.

I request you to kindly take cognizance of my complaint and honor the aforesaid Judgment to verify his expenditure and initiate action against Shri. XYZ, Smt XYZ WIFE for tax evasion if any.

With Regards,
Husband
ADDRESS:
MOBILE:

Enclosure :
a. Copy of the FIR & letter disclosing expenditure of Rs. ____ lacs

14. Complain To Finance Department

To,
The Under Secretary
Ministry of Finance,
Department of Revenue,
Room No.55, North Block,
New Delhi – 110001

Subject : Income Tax Evasion Petition and Tax Recovery on Rs.---- Lacks against Shri FIL , R/o ----- (PAN NO :-----).

Dear Sir/Madam,

This is to inform you that, Shri FIL has been evading Taxes & has not been disclosing the expenses to the Income Tax Authorities & hampering the investigation through his links.

Background

1. Smt 498A WIFE D/o Shri FIL has framed a false dowry complaint under section 498a/323/504/506 of IPC and under section 3/4 Dowry prohibition act .It has been claimed by Smt 498A WIFE in her own admission that her parents i.e. Shri FIL & Smt MIL had spent over Rs _____ lacks in the marriage on XYZ DAYE i.e. financial year (0000-0000).

2. Please refer to my correspondence held with offices concerning the jurisdiction of the person may be, who has committed fraud & has mislead the Income Tax Officials.

LIST OF DATES & INDEX OF CORRESPONDANCE ATTACHED WITH THIS APPLICATION FOR YOUR PERSUAL

Description Date Page No.

CPIO's replay

Order of the first appellate authority

Submissions on First Appeal

First Appeal

CPIO's reply

RTI application

TEP application

FIR with Complain Letter on which fir was registered through

Ground for complaint

1. With reference to CPIO's replay of dated _____ its clearly indicates that in financial year _____, Shri FIL, income as per income tax records was only Rs _____ lacks and he has not shown any expenses of marriage & Smt MIL is a house wife and she do not have any source of income BUT as per FIR they have spend Rs. _____ lacks in her daughter i.e. 498A marriage.

2. Shri FIL , has unaccountable flow of income which is not shown anywhere in the returns Income. I request the learned Income Tax authorities to look into the matter by verifying cash flow history of Shri FIL, so as to recover valuable revenue in the form of Income tax which has been concealed from the tax Authorities with malafide intentions of cheating with the Government machinery.

3. As per section 133(5) it is mandatory to file income tax return on the expenditure incurred on marriage.

4. As Shri FIL (as claimed) had spent Rs _____ lacks in financial Year _____ and his income as per Income tax return is Rs _____ lacks, Since he has not disclosed the expenses occurred in her daughter's marriage and source of fund of Rs _____ lacks, it means, the balance amount i.e. _____ lacks may be a black money on which Shri FIL has not paid INCOME & OTHER APPLACABLE taxes, I request to authorities that tax should be collected as per provision of Income Tax.

5. Further careful perusal of the FIR & Attached Complain letter on which FIR have taken place, hints provision of section 68, 69, 69A, 69B, 69C & 69D under Income Tax Act of 1961 are applicable on Shri FIL as far as in my knowledge. However there may be many other provisions of income tax which is best known to Honorable Income tax authority.

6. The section 68 deals with cash credits proving identity of the creditor, capacity of the creditor, genuineness of the transaction are the important things of this section. Section 69 & 69A, B deals with unexplained investment, unexplained money & investment not fully disclosed in books of accounts.

7. Section 69C deals with the unexplained expenditure, the important requirement of this section is that an expenditure has been found to have been incurred by an assessee in any financial year and the assessee fails to indicate satisfactory source of such expenditure.

But I believe till date no action has been taken against Shri FIL to recover the income tax, wealth tax & other tax on Rs.----- lacks.

Request & Relief sought

1. Shri FIL & Smt MIL, may give a baseless plea that the fir is not done by them, because the FIR has taken place through State Women's Commission whom they have requested for FIR in the application submitted by Smt 498A WIFE D/o Shri FIL, further misusing & misguiding the Government Machinery.

2. Shri FIL, may misguide to the Income Tax Authorities with malafide intentions of cheating with the Government machinery by evading taxes and also evading all kinds of wealth tax, luxury tax.

3. Shri FIL income and source of fund is Rs.---- lacks as per income tax records in financial year----- . Kindly recover the tax on Rs ----- lacks and start proceedings against Shri FIL as per provision of Income Tax and the authority is under bounden duty, since it relates and its refusal may prejudice the appellant upon which an FIR has been registered.

4. I may be given the due prize money as per income tax guidelines for revealing this to the authorities.

5. I request the authorities to kindly intervene & investigate the matter as it causing huge revenue loss of Rs. And other applicable penalties better known to authorities.

-----Example to calculate tax (30% ON BAL AMMOUNT i.e (X amount said in fir - Y As per Income tax records multiply by 2) Say dowry as per fir is 10lacks – as per income tax record income is 2lacks= $10 - 2 = 8$ lacks x 30% 2,40,000/- x penalty which is 100% of tax = 5,80,000/-

6. I request you to initiate investigation through appointing High Level IRS to recover the revenue in the form of Taxes from Shri.FIL.

Yours sincerely,

15. First Appeal TEP RTI

Reference No:

Dated: _____

To,
Appellant Authority

Sub: - First Appeal under 19 (1) of RTI Act, 2005

Reference: _____ dated _____

Dear Sir /Madam,

The appellant is constrained to file a First Appeal u/s 19 (1) of RTI Act to your esteemed office against not providing information by CPIO

The brief FACTS of this matter are:-

That the appellant has submitted RTI application under RTI Act 2005 to “in the office of CPIO, Range-VI, O/o Add Commissioner of IncomeTax – Range----- (Attached as Annexure-A).

That the “CPIO has not provided any answer of my application or manipulated the answer. (Attached CPIO replies as Annexure-B)

My GROUNDS for the appeal are as follows:-

BECAUSE, Smt ----- D/o Shri ----- admitted an expenditure of Rs.----- lacks by her parents in her own Shri ----- may have taken a bribe or collect Rs. -----lacks from undisclosed sources because of such kind of people our country is facing money loss in present case survey u/s 133A(5) is required by Income Tax.

- Since total expenditure of Rs ----- lacs has been claimed by in-laws, so it is a natural curiosity that what was the source of fund .If you disclose it then doubt of black money will be removed from my mind and this way the information will fulfill the objective of RTI to check the corruption as said by Hon'ble justice Shri Pradeep Kant in the recent judgement under Writ Petition No. 3262 (MB) of 2008,Public Information OfficerVs. State Information Commission, U.P. and others,

“....Our Constitution establishes a democratic republic. Democracy requires an informed citizenry and transparency of information which are vital to its functioning.....The purpose and object of the act is not only to provide information but to keep a check on corruption, and for that matter confers a right upon the citizens to have the necessary information,”

2. BECAUSE Mr FIL NAME may be taken bribe of evaded tax as they have claimed XYZ lacs spent in marriage and because of such kind of people our contry is facing Money Loss in present case survey u/s 133A(5) for marriage expenditure is required by Income Tax Officer.

3. BECAUSE, The appellant has enclosed a copy of relevant judgments before CPIO, along with original application which is a same kind of TEP / RTI matter related to dowry matter “Honorable High Court wide Decision No WP(C) No.3114/2007

In view of the foregoing discussion the order of the CIC dated 8th May 2006 in so far as it withholds information until tax recovery orders are made, is set aside. The second and third respondents are directed to release the information sought, on the basis of the materials available and collected with them, within two weeks.

This Court takes a serious note of the two year delay in releasing information, the lack of adequate reasoning in the orders of the Public Information Officer and the Appellate Authority and the lack of application of mind in relation to the nature of information sought. The materials on record clearly show the lackadaisical approach of the second and third respondent in releasing the information sought.

4. BECAUSE, Honorable Chief Information Commissioner Shri Shailesh Gandhi Wide Decision No. CIC/LS/A/2009/000647/SG/5887 dated 14-12-2009 in TEP / RTI matter where he defines the concept Section 8(1)(h) of the Act provides-

8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

Dr. Naresh Trehan, one of the third parties, and the Department have relied on this ground of exemption. Both parties have stated that as the process of assessment has not been finalized till date and Investigation is still underway, exemption under Section 8(1)(h) applies. But the mere fact that an investigation is underway and that assessment has not been finalized is not a sufficient ground for the application of Section 8(1)(h).

The High Court of Delhi has held in Bhagat Singh v. CIC & Ors. WP (C) No. 3114/2007 that-

“It is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material. Sans this consideration, Section 8(1)(h) and other such provisions would become the haven for dodging demands for information” The PIO has contention that,

“Logically no investigation could be said to be complete unless it has reached a point where the final decision on the basis of that investigation is taken. In this context the progress of assessments are therefore exempt from disclosure under Section 8(1)(h)”, only states that the investigation is not over. No claim has been made that the process of investigation would be impeded in any manner.

Neither party has been able to establish before the Commission how the disclosure of information to the Appellant would impede the process of investigation. Therefore, Section 8(1)(h) cannot be applied in the present case to claim exemption from disclosure of information.

The disclosure of the information would lead to unwarranted invasion of the privacy of the individual.

Certain human rights such as liberty, freedom of expression or right to life are universal and therefore would apply uniformly to all human-beings worldwide. However, the concept of 'privacy' is a cultural notion, related to social norms, and different societies would look at these differently. Therefore referring to laws of other countries to define 'privacy' cannot be considered a valid exercise to constrain the Citizen's fundamental Right to Information in India. Parliament has not codified the right to privacy so far, hence in balancing the Right to Information of Citizens and the individual's Right to Privacy the Citizen's Right to Information would be given greater weightage.

5. BECAUSE, Honorable Central Information Commissioner Prof. M.M. Ansari Wide Decision No.174/IC(A)/2006 in same kind of TEP/RTI matter :

Every action taken by public bodies or public servants and its outcome should be under the domain of public for open scrutiny. It follows that the proceedings initiated by the income-tax department, in pursuance of the tax evasions petition (TEP), and its outcomes should be disclosed, even without asking for such information by the petitioners.

As regards the disclosure of tax assessment orders passed by the assessing officers is concerned, such documents should also be disclosed provided that larger public interest such as containing corruption is served. In the present case, the appellant has not established as to what is the overriding public interest in disclosing the details of tax assessment orders which contains confidential business and financial transactions of the assesseees. Unless the case of public interest is established, the disclosure of such information would tantamount to unwarranted invasion of privacy of assesseees. Therefore, the decision of appellate authority is upheld. The CPIO is, however, directed to furnish the Action Taken Report on the TEP filed by the appellant. The appeal is accordingly disposed of.

6. BECAUSE, Honorable Central Information Commissioner Shri M.L.Shrma wide Decision No. CIC/AT/A/2008/01389 dated 28-01-2009 in a same kind of RTI of dowry matter direct AA Income Tax

In view of the above, Ms. Vandana Ramachandran (AA) is hereby directed to disclose the above mentioned information to the Appellant within two weeks time.

7. BECAUSE, Honorable Information Commissioner Shri Sailesh Gandhi of CIC bearing his Decision No. CIC/SG/C/2009/000702/4128 dated 14-07-2009 where he defines the concept of privacy ,which may act as a guidance for every public information officer

This information is very important for the Complainant as he is facing a threat of arrest and needs the information to prove his innocence. Not granting such information clearly leads to violation of the fundamental right of the Complainant as provided under Article 21 of the Constitution. If The Complainant has more than one

way of seeking remedy he has the freedom to opt for the way which is more convenient for him. No claim has been made by the PIO of any exemption under the RTI Act to deny the information. If a Public Authority has a procedure of disclosing certain information which can also be accessed by a Citizen using the Right to Information Act, it is the Citizen's prerogative to decide which route he wishes to take. The existence of another method of accessing information cannot be a justification to deny the Citizen his freedom to exercise his fundamental right codified under the Right to Information Act. If the Parliament wanted to restrict this right, it would have been stated expressly in the Act. Nobody else has the right to constrain or limit the rights of the Sovereign Citizen. There is no provision in the Right to Information Act which restrains the Citizen's right to use it if another route to access information has been offered. It is a Citizen's right to use the most convenient and efficacious means available to him.

8. BECAUSE, Honorable Chief Information Commissioner Shri Wajahat Habibullah of CIC bearing no CIC/WB/A/2007/00064 dated 19-11-2007 where he defines the concept of privacy, which may act as a guidance for every public information officer "We have in earlier decisions also sought guidance from the U.K. Data Protection Act, 1998 on the definition of private information u/s 2, which defines 'Sensitive Personal Data', which reads as follows:

In this Act "sensitive personal data" means personal data consisting of information as to:

- a) The racial or ethnic origin of the data subject
- b) His political opinions
- c) His religious beliefs or other beliefs of a similar nature
- d) Whether he is a member of a Trade Union
- e) His physical or mental health or condition
- f) His sexual life
- g) The commission or alleged commission by him of any offence
- h) Any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

If we were to construe privacy to mean protection of personal data, this would be a suitable reference point to help define the concept."

9. BECAUSE, "In Peoples Union of Civil Liberties Vs. Union of India, however, in his judgment of 13.2.2003 Shri P.V. Reddy J. has ruled as follows :

"When there is a competition between the right to privacy of an individual and the right to information of the citizens, the former right has to be subordinated to the latter right as it serves larger public interest. The right to know about the candidate who intends to become a public figure and a representative of the people would not be effective and real if only truncated information of the assets and liabilities is given."

10. BECAUSE, Further for contesting the election every candidate is required to provide information regarding his property/assets during filing of nomination which is disclosed even in news papers and media so that every citizen can know the assets of the candidate. When such rigorous norms are fixed for Candidates for elections, who are in service for only the limited term of their office, the government servants, engaged in life long service cannot be exempted. Rather I am of the opinion that the public authorities should Suo Moto publish these information in their official websites under Section 4 of the RTI Act. This action is expected in the light of decision of Hon'ble Supreme Court of India in 'Civil Appeal No. 7178 of 2001- Union of India Vs Association for Democratic Reforms and another'

11. BECAUSE, It becomes increasingly imminent and added responsibility of the concerned authorities to make an enquiry into such allegations and ascertain the actual truth behind the true source, if any, of these alleged payments / expenses, so as that innocent people like me does not get harassed due to the ulterior motives of some mischievous people.

12. BECAUSE, Sections 8 did not justify withholding of the said information, but incorrectly applied Sec 8 of the Act. He submits that the disclosure of the said information could not in any way impede the investigation process and that the Respondents have not given any reasons as to how such disclosure would hamper investigation. On the other hand, contends, the information would only help in absolving undersigned from the false prosecution and criminal harassment.

13. BECAUSE, as to the issue of whether the investigation has been complete or not, I think that the authorities have not applied their mind about the nature of information sought. As is submitted by the Petitioner, he merely seeks access to the preliminary reports investigation pursuant to which notices under Sections 131, 143(2), 148 of the Income Tax have been issued and not as to the outcome of the investigation and reassessment carried on by the Assessing Officer. As held in the preceding part of the judgment, without a disclosure as to how the investigation process would be hampered by sharing the materials collected till the notices were issued to the assesses, the respondents could not have rejected the request for granting information.

14. BECAUSE, Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore is to be strictly construed. It should not be interpreted in manner as to shadow the very right itself. Under Section 8, exemption from releasing information is granted if it would impede the process of investigation or the prosecution of the offenders. It is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material. Sans this consideration, Section 8(1)(h) and other such provisions would become the haven for dodging demands for information.

15. BECAUSE, The State has no right to invade the privacy of an individual. There are some extraordinary situations where the State may be allowed to invade the privacy of a Citizen. In those circumstances special provisions of the law apply; usually with certain safeguards.

Therefore where the State routinely obtains information from Citizens, this information is in relationship to a

public activity and will not be an intrusion on privacy. As this information has been provided by the assessee to meet his legal obligations, there is no unwarranted invasion of his privacy by the state. Therefore the disclosure of the same information to another person cannot be construed as being an unwarranted invasion of the privacy of the individual. Given our dismal record of misgovernance and rampant corruption which colludes to deny Citizens their essential rights and dignity, it is in the fitness of things that the Citizen's Right to Information is given greater primacy with regard to privacy. Hence information provided by individuals in fulfillment of statutory requirements will not be covered by the exemption under Section 8 (1) (j). Citizen's Right to Information is given greater primacy with regard to privacy.

16. BECAUSE, as per provision of the act before the rejection of the application on the ground of the CPIO should asked the third party and also should have given me a opportunity to present my case.

17. BECAUSE, the large public interest which overwrites the third party interest, the PIO has failed to act so.

18. BECAUSE, the PIO has failed to access the information available to him in his statutory capacity as PIO u/s 5(1) of RTI Act read with 5 (4) and 5 (5) of the RTI Act.

According the appellant is constrained to PRAY for the following reliefs:

That the PIO be ordered to provide the appellant the requested information forthwith

2. That a personal hearing be afforded to the appellant u/s 19(5) of RTI Act and interests of natural justice in the event the PIO opts to justify and/ or prove the willful denial of information to the appellant.

3. That a copy of comments/ reply of PIO, if any, to this First Appeal be provided to the appellant well in advance of the hearing date.

Moreover as per RTI act 2005 section 8(j) itself it is written that "Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person"

Now at the end I may reasonably expect that honorable CPIO & Addl. Commissioner of Income Tax will honor the numerous decisions of CIC and Honorable High court as stated above while making decision on this appeal so that at least the wastage of time for honorable CIT / CIC could be avoided in second appeal while discussing the same matter.

Yours Truly,

Your Name

Address

Verification

I, the deponent named herein do verify that the facts as narrated above are true and correct to my best knowledge and belief.

Deponent

(YOUR NAME)

16. Second Appeal for TEP RTI

CENTRAL INFORMATION COMMISSION
APPEAL UNDER SECTION 19(3) OF THE RTI ACT 2005

Your Name
versus
Income Tax - City

LIST OF DATES & INDEX OF DOCUMENTS

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CERTIFICATE

It is certified that the enclosed matter under appeal/complaint has not been filed previously, or is pending with any court or tribunal or with any other authority.

Date :

(Appellant)
CENTRAL INFORMATION COMMISSION
APPEAL UNDER SECTION 19(3) OF THE RTI ACT 2005
Your Name
versus
Income Tax - City

CERTIFICATE ABOUT PROOF OF SERVICE TO THE RESPONDENTS

It is certified that a copy of this appeal is being sent to each of the respondents on the same day as the appeal is being sent to the Central Information Commission, and the proof of service shall be presented before the CIC, if requested / demanded, on the date of hearing, or earlier.

ADVICE TO RESPONDENTS

Regulation 12 of "The Central Information Commission (Management) Regulations, 2007" reads as follows:
Filing of Counter Statement by the Central Public Information Officer or the First Appellate Authority:- After receipt of a copy of the appeal or complaint, the Central Public Information Officer or the First Appellate Authority or the Public Authority shall file counter statement along with documents, if any, pertaining to the case. A copy of the counter statement(s) so filed shall be served to the appellant or complainant by the CPIO, the First Appellate Authority or the Public Authority, as the case may be.
This is for your information and ready reference. Please act accordingly.

Date
(Appellant)
CENTRAL INFORMATION COMMISSION
APPEAL UNDER SECTION 19(3) OF THE RTI ACT 2005

Your Name..... Appellant

VERSUS

1. (CPIO & I.O, Range-1(4).....Respondent

2. (AA & Add. C.I.T,Range-1,City) Respondent

BRIEF FACTS OF THE CASE

1. The Appellant had filed an TEP application for information on 24.09.09.
2. The Appellant had filed an RTI application for information on 31.12.09.
3. Appellant preferred first appeal dated 22.02.10.
4. A letter dated 04.02.10 was received from the CPIO in which he has not provided information & played a fillip flop tactic's.
5. Order of the AA, i.e., Respondent No. 2 dated 19.03.10 was received. The Appellant is not satisfied with the order / decision, hence this appeal.

GROUND OF APPEAL

1. The CPIO has failed to even acknowledge the receipt of the application for information. He has thus rendered himself liable to be penalized under section 20(1).
2. The AA's decision is more in the nature of acting as an agent of the CPIO rather than as an appellate authority. He has turned down the appeal stating that information is so vast that it cannot be provided at all under section 7(9). It is submitted that section 7(9) only deals with the format of the information and cannot be used to deny information.

RELIEFS SOUGHT

Request / Relief sought

- a) The undersigned financial interest is affected in the matter, so undersigned is seeking legal relief from the Court.
- b) The disclosure of financial details, mainly Account Details of Mr Vipnesh Tiwari would surely help me to show my innocence.
- c) The disclosure of information sought is, therefore, in larger public interest. The information should therefore be provided.
- d) CPIO is under burden duty to provide the same details BECAUSE In a similar kind of case Hon'ble CIC wide his decision no.1816/IC(A)/2008 "The CPIO is, therefore, directed to furnish the details of PF of his ex-wife, after determining his identity as ex-husband of the person whose details have been asked for. This information should be furnished within 15 working days from the date of issue of this decision."
- e) The objective of the RTI act is to provide information to the person who sought such information and when the case involves a serious question whereby the applicant seeks the information to better defend himself in the court of law the information sought becomes more important. Since criminal jurisprudence, it is clear that innocent person should not be convicted and a person is presumed innocent unless found guilty/convicted. Since, it is very important principle of natural justice that against whom a complaint has been made has every right to know its contents so as to defend himself effectively and to prove that the complainant has approached various authorities only with an oblique motive. Thus in the process defaming the undersigned and causing the undersigned mental agony and harassment.
- f) That the refusal on the part of the Respondent No. 1 is without any justification and disclosure of the information would have NO effect to any public activity and would not be an unwarranted invasion of the privacy of the individual
- g) That the respondent cannot refrain from disclosing the information on baseless pleas of public interest or invasion of privacy or information falls under category of IIIrd party when the issue involved is of serious nature as in the present case F.I.R. has been registered against the undersigned / appellant.
- h) That under the Universal Declaration of the Human Rights adopted by the united nation in 1948 assured by article 19 that every one has right to seek, receive and impart information and ideas through any media, regardless of the frontiers.
- i) That in Secretary, Ministry of Information and Broadcasting, Govt. of India and others Vs. Cricket Association

of Bengal and others, 1995(2) SCC 161 the Hon'ble Apex Court has remarks about this right in the following term:-

"The right to freedom of speech and expression includes the right to receive and impart information. For ensuring the free speech right of the citizens of this country, it is necessary that the citizens have the benefits of plurality of views and a range of opinions on all public issues. A successful democracy posits an 'aware' citizenry. Diversity of opinions, views, ideas and ideologies is essential to enable the citizens to arrive at informed judgement on all issues touching them."

j) Those by refusing the information sought, the respondent will defeat the object of the act i.e. RTI for which it was created. The object of the Act is to provide for setting out the practical regime of the right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The constitution of India has established democratic republic and democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain the corruption and to hold governments and their instrumentalities accountable to the governed. Therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it.

k) That the appellant has come on the very first opportunity available to him and therefore the information should not be denied to him. More over the appellant does not wants to use the information for any oblique motive but wants to use the information to better defend himself.

Thanking You,

Your Name

Place:

Dated:

VERIFICATION

Verified at City on Date aforementioned that the contents of the above appeal are true to my knowledge and nothing has been concealed there from.

Your Name

17. RTI NCW widows ignored

APPLICATION UNDER THE RIGHT TO INFORMATION ACT 2005
FORM-A (section 6(1) and 7(1) of the RTI Act, 2005)

1. Full Name of the Applicant:

2. Address:

3. Designation and Address of the Public Information Officer from whom information is required:

Public Information Officer,
National Commission for Women,
4, Deen Dayal Upadhyaya Marg,
New Delhi-110002.

4. Details of the document/ Inspection/ Samples required:

Referring to the details below of news about an ongoing PIL in Supreme Court on plight of widows, and also Supreme Court's order also available at webpage link: <http://timesofindia.indiatimes.com/india/NCW-ignores-SC-order-on-plight-of-widows/articleshow/5782592.cms>

Kindly provide the following information related to above:

a. Is the NCW aware that the SC had said the below "To get a fair and detailed information about these widows, we request the National Commission for Women to have a comprehensive survey of the problem and file a report within three months. The report should contain the age group of widows, their family background and all other information which are materially relevant for the purpose of this case."

b. Please provide the Name and designation of all people who have been assigned to this comprehensive survey.

c. Please provide the Name and designation of all people who have been assigned to this report.

d. Was the report filed within the stipulated 3 months time as was mandated by the apex court? If no please provide the information behind such delays. If no, does the NCW have a date when the report will be filed?

e. Please state what disciplinary action the NCW has recommended against the people for not following the Supreme Court guidelines for filing the report. If no disciplinary action was taken please state the reasons thereof.

f. Did NCW send a reply to the Supreme Court for not abiding for the directions given by the court? If yes, please provide copy of the official communication / legal communication / explanation provided by the NCW for not completing this survey and submitting the report. Please provide the latest copy of the survey report even if it in progress or incomplete.

g. Please provide complete budget that was sanctioned and so far by the NCW for this survey.

h. Please provide the number of times the NCW personnel have visited Varanasi for conducting the survey.

i. Please provide detailed breakup of all expenses, incurred by each person along with the name and designation, related to Travel, Accommodation, Telephone, Meals, and any other miscellaneous expenses borne by NCW personnel in connection to this survey and subsequent report.

5. Year to which the above pertains: Refer to point 4 (a) above.

Kindly provide information to each point separately. No clubbing of points even if information is repeated.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of my knowledge it pertains to your esteemed office in your statutory capacity as PIO u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

If you feel that the requested information doesn't come under your office, please follow the provisions of section 6 (3) of RTI Act 2005 and Kindly also intimate me i.e Applicant through registered / speed post to whom you are forwarding / transferring my application as prescribes in RTI ACT 2005.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act of your office / department.

Kindly provide me the name & designation of the officer who is providing this information along with the details of appellant authority along with name & designation, as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by post on the address mentioned below, within 30days (thirty days). As prescribed under the Right of Information rule /Act.

Thanking You & Regard

Your Name

Encl 1: News story in Times of India dated 11th Apr 2010 with headline "NCW ignores SC order on plight of widows"

18. Disciplinary Enquiry

To, Dated:
The Central Public Information Officer

Sub.:- Application under section 6(1) of Right to Information Act 2005.

Sir,

Kindly provide the following information about Mr. _____, R/o _____:

1. Name of departments in which Mr. _____ had been attached/deputed during his posting in last ten financial year of his service i.e from 1994 to 2004 and his Work profile/Job responsibility for each posting.
3. Whether Mr. _____ has faced any departmental disciplinary / enquiry proceedings so far in last ten financial year of his service i.e from 1994 to 2004 ? (kindly furnish the detail if any)
4. Whether any complaint has been lodged against Mr. _____ before _____ by anyone in last ten year of his service i.e from 1994 to 2004? (kindly furnish the detail and action taken if any)
5. Whether Mr _____ has been involved/deputed in inspection of any organization/work/ purchase/ contract in last ten year of his service i.e from 1994 to 2004 ? if yes then provide detail.
6. Whether any residential telephone/mobile phone facility has been provided to Mr. _____ by _____ I ? If yes then please provide its number and provide the photocopy of rules of _____ which govern/regulate such facility.
7. Date and duration when Mr. _____ was absent from his duty in office of Irrigation From 1.1.03 to 31.12.2003 (Any type of leave) or give reason for absence also(if any) ?(Duration & Reason)
12. Whether Mr. _____ has taken permission from his department i.e _____ or informed for giving any type of gift to any person or transaction of any type of movable property in the financial year 2001-02, 2002-03,2003-04 ? if yes then provide details.
13. The details of prior permission or prior intimation given to his department i.e _____ with regard to transaction of moveable and immovable property in his own name or in the name of his family member in the financial year 2001-02, 2002-03,2003-04 ?
14. Details of all type of leave availed by Mr. _____ in the financial year 2001-02, 2002-03,2003-04 kindly also provide the dates ?
15. Name ,Designation , phone no of Mr. _____ controlling/reporting officer in the financial year 2001-02, 2002-03,2003-04 ?
16. Gross Salary from financial year 1995 -96 to 2004 -05 and its various components like basic pay, DA, Conveyance, HRA and other allowances of Mr _____
17. His income from salary for following financial year:
 - ☐ 2000-2001
 - ☐ 2001-2002
 - ☐ 2002-2003
 - ☐ 2003-2004
 - ☐ 2004-2005

18. Photo copy and details of Mr. _____ educational/professional qualification and his bio data and age proof (like certificate of 10th or any other proof) on the basis of which he is holding a public office in _____.

19. Annual property returns (moveable & immoveable) filed by Mr. _____ for the following financial year:

- ☐ 2000-2001
- ☐ 2001-2002
- ☐ 2002-2003
- ☐ 2003-2004
- ☐ 2004-2005

20. Following details of LTC(Leave travel Concession) availed / encashed by Mr. _____ since last five years of his service i.e financial year 2000-2001,2001-2002,2002-2003,2003-2004,2004-2005 (Also provide Copies of LTC bills)

- a. Number of persons for which LTC availed and there Names
- b. Block Year of LTC
- c. Financial Details like total amount claimed and its component for each LTC.
- d. Destination of travel

21. Details of amount claimed by Mr _____ during official tour since last five years of his service i.e financial year 2000-2001,2001-2002,2002-2003,2003-2004,2004-2005 and during transfer (if any) from 2000, to 2004 (Provide Copies of TA bills) .

22. Whether Mr _____ has taken any advance for the marriage of his daughter's from _____ ?

23. In case an advance is sanctioned for marriage purpose for daughter's of Mr _____ a certificate to the effect that no element of dowry is involved, is required to be taken from him as per rules of _____. Whether he has submitted such certificate ? if yes then please provide certified photocopy of such document.

24. Details of all temporary advance taken by Mr. _____ - from 1.1.2000 to 31-12-2004 (Amount, purpose etc)

25. Has Mr. _____ taken any permission from bank for accepting gift in the last five of his service from financial year 2000 to 2004?

26. Whether as per _____ records Mr. _____ was involved in borrowing or lending money ? if yes then provide the details and also provide the information whether he has taken due permission from SBI and filed return of his liabilities ?(provide photocopy of all such documents furnished by him as per staff regulation /other relevant rules)

27. Whether Mr. _____ has informed the _____ in any manner that what expenditure on the marriage of her daughter's and disclosed the source of fund ? if yes then photocopy of such document ?

28. Photocopy of conduct and discipline rules of department Criteria for promotion from Cleark to next higher rank in department ? (like educational qualification, experience, departmental exam/interview etc)

29. Whether married daughter and son-in-law of an employee is eligible to stay in holiday homes of department ? (if yes then is there any difference in fee charged by holiday home from employee and from his/her married daughter ?)

30. Is there any employee transfer policy exist in department ? if yes then kindly provide its photocopy

31. Name, Designation, Address, Contact Number of the Authority in department with whom the complaint can be lodged by the public against officer of the SBI for his/her misconduct/corruption?

Kindly provide information to each point separately. No clubbing of points even if information is repeated.

Details of payment of filing fees: Initial fee of Rs. 10/- in the way of Postal Order of Rs 10/- bearing serial number

‘ _____ ’ has been enclosed with application as prescribed under Right to Information Rules 2005 and Applicant is ready to pay processing fee (if any) required to furnish above said information.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of my knowledge it pertains to your esteemed office in your statutory capacity as PIO u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

If you feel that the requested information doesn't come under your office, please follow the provisions of section 6 (3) of RTI Act 2005 and Kindly also intimate me i.e Applicant through registered / speed post to whom you are forwarding / transferring my application as prescribes in RTI ACT 2005.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act of your office / department.

Kindly provide me the name & designation of the officer who is providing this information along with the details of appellant authority along with name & designation, as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by post on the address mentioned below, within 30days (thirty days). As prescribed under the Right of Information rule /Act.

Your early reply will be highly appreciated.

Thanking You & Regards,

19. Office / Department rules

THE RIGHT TO INFORMATION ACT 2005 APPLICATION FOR OBTAINING INFORMATION

By speed post

REF. NO.: AC/APR/10 YEAR: 2010

Date: 28th April, 2010

To,

General Manager &

Central Public Information Officer

Name of the applicant:

Full address [with phone No.]:

Details of payment of filing fees: Initial fee of Rs. 10/- in the way of Postal Order of Rs 10/- bearing serial number '_____' has been enclosed with application as prescribed under Right to Information Rules 2005 and Applicant is ready to pay processing fee (if any) required to furnish above said information.

Information required as : Please rush the information to me only by speed / registered post.

Particulars of information required: Please provide the following information under section 6 of Right to Information Act 2005,

1) Please inform me for how many years your Office / department i.e. _____ have to keep employee records, if the employee is in service. Please provide me the certified photocopy of rules of _____ which govern / regulate such rules.

2) Please inform me for how many years your bank i.e. _____ have to keep employee records, if the employee is retired. Please provide the photocopy of rules of _____ which govern/regulate such rules.

3) Please inform me that what kind of facility (telephone, household, and car ect.) has been provided to a manager cedar employee apart from salary during service with _____ from the period 2000 to 2010, Please provide the photocopy of rules of _____ which govern/regulate such facility.

4) Please inform me that rather manager cedar employee has taken permission from his department i.e. _____ or give information for giving any type of gift to any person or transaction of any type of movable property in the financial year 2000 to 2010? If yes then provide the photocopy of rules of _____ which govern/regulate such rules.

5) Please inform me that rather manager cedar employee has to take the prior permission or prior intimation to his department i.e. _____ with regard to transaction of moveable and immovable property in his own name or in the name of his family member in the financial year 2000 to 2010. Please provide me the certified photocopy of rules which govern / regulate such rules.?

6) Please inform me that what are the gross salary components like basic pay, DA, Conveyance, HRA and other allowances of manager cedar employee.

7) Please inform me that is the employee has to submit the photo copy and details of educational / professional qualification and age proof (like certificate of 10th or any other proof) while joining his/her services in _____ and for how long _____ has to retain that in records if employee is in service and after the retirement of employee. Please provide me the certified photocopy of rules of SBI which govern / regulate such rules.

8) Please inform me is the manager cedar employee has to submit form of Annual property returns (moveable & immovable) please provide me the certified photocopy of rules of _____ which govern / regulate such rules and policy / rules for maintaining the same records.

Please also provide me the details as fallows:

a. When this policy / rules come enforce on manager cedar employee?

b. Does every manager cedar employee is following the above rules i.e. submitting the details every year?

c. If manager cedar employee is not submitting the annual property return form kindly inform me who is responsible for same?

- d. Kindly inform for how long bank has to retain the same details i.e. annual property return form in records?
- e. Kindly inform who is responsible for retain the same details i.e. record keeping of annual property return form?
- f. Kindly inform me who is responsible if the same records are misplaced by record keeper?
- g. Does this record can be maintain even that employee is retired?

9) Please inform me does is the facility of LTC (Leave travel Concession) is available to manager cedar employee? Please provide me the certified photocopy of rules of _____ which govern / regulate such rules and policy / rules and for maintaining the records of claimed amount / bills provided by employee.

Please also provide me the details as follows:

- a. When this policy / rules come enforce on manager cedar employee?
- b. Maximum number of persons in family and for whom LTC can be availed for manager cedar employee?
- c. Limit of amount can be claimed and its component in LTC for manager cedar employee?
- d. Destination of travel policy for manager label employee (if any)?
- e. Kindly inform for how long bank has to retain the bills of LTC claimed / submitted by manager cedar employee?
- f. Kindly inform who is responsible for retain the same details i.e. record keeping of LTC bills submitted / claimed by manager label employee?
- g. Kindly inform me who is responsible if the same records are misplaced by record keeper and what's a penalty?
- h. Does this record can be maintain even that employee is retired?

10) Please inform me whether there is any loan or advance facility is available for manager cedar employee for the marriage of his /her children's (daughter & son) from SBI? Please provide me the certified photocopy of rules of _____ which govern / regulate such rules.

11) Please inform me In case an advance is sanctioned to manager cedar employee for marriage purpose for his / her daughter's does _____ takes a certificate to the effect that no element of dowry is involved, per rules of _____. Please provide me the certified photocopy of rules of SBI which govern / regulate such rules.

12) Please inform me is the manager cedar employee has to disclosed to his department that what amount is spend & is the manager cedar employee disclosed the source of fund in his / her children's (daughter, son) if he/she has not taken any advance or any lone for marriage? Please provide me the certified photocopy of rules which govern / regulate such rules.

13) Name, Designation, Address, Contact Number of the Authority in department with whom the complaint can be lodged by the public against officer of the _____ for his/her misconduct/corruption if the employee is in service?

14) Name, Designation, Address, Contact Number of the Authority in department with whom the complaint can be lodged by the public against officer of the _____ for his/her misconduct/corruption if the employee is retired?

Kindly provide information to each point separately. No clubbing of points even if information is repeated.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of my knowledge it pertains to your esteemed office in your statutory capacity as PIO u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

If you feel that the requested information doesn't come under your office, please follow the provisions of section 6 (3) of RTI Act 2005 and Kindly also intimate me i.e Applicant through registered / speed post to whom you are forwarding / transferring my application as prescribes in RTI ACT 2005.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act of your office / department.

Kindly provide me the name & designation of the officer who is providing this information along with the details of appellat authority along with name & designation, as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by post on the address mentioned below, within 30days (thirty days). As prescribed under the Right of Information rule /Act.

Your early reply will be highly appreciated.

Thanking You & Regards,

20. RTI - LAW - Double maintenance - legal affair dept

Dt.
To,
M.K Sharma,
CPIO and Additional Legal Adviser
Ministry of Law & Justice, Deptt. of Legal Affairs
Room No. 417-A,
A-Wing, Shastri Bhawan,
New Delhi - 110001

Sub: A petition for information under “Right to information act–2005” regarding “Multiple provision of maintenance for wife in family dispute”

Enclosed a postal order no: of each Rs. 10-00 in favour of the accounts officer, Legal affairs, Ministry of Law & Justice, New Delhi.

Dear Sir,

ABOUT MYSELF: I am _____, a resident of _____, state: _____

ISSUE: This is a petition under “Right to information act–2005” regarding “Multiple provision of maintenance for wife in family dispute” I want to bring to your kind attention and notice a recent trend in the courts dealing with the family disputes between husband and wife. In case of dispute between husband and wife reaching courts the wife is seeking maintenance from the husband under various provisions of the law. In case the couple is Hindus then it is seen that the wife is seeking maintenance under atleast three provisions.

1. Domestic violence act:

I have reproduced the section 20(3) of the Domestic violence act below.

20(3) the Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.

2. Code of Criminal Procedure 1973:

I have reproduced the section 125 of Code of Criminal Procedure 1973 below.

125. Order for maintenance of wives, children and parents.

(1) If any person leaving sufficient means neglects or refuses to maintain-

(a) His wife, unable to maintain herself, or

(b) His legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or

(c) His legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or

(d) His father or mother, unable to maintain himself or herself,

A Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as such magistrate thinks fit, and to pay the same to such person as the Magistrate may from time to time direct.

3. The Hindu Marriage Act , 1955:

I have reproduced the section 25 of Code of Criminal Procedure 1973 below.

25. Permanent alimony and maintenance.- (1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall, while the applicant remains unmarried, pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant and the conduct of the parties, it may seem to the court to

be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

It is seen as a trend in the courts dealing with the family disputes between husband and wife that in order to harass the husband, wives are filing for maintenance under all the available sections, Acts and forums with identical petitions with identical relief. In turn the husbands are running around all the courts with defending all the cases wherein identical accusations are made. This amounts to “Double jeopardy” for husbands. Even in various acts and also in constitution of India it barred to put a person on trial for same offence twice.

1. Section 71, second Para, Indian Penal Code.

“Section 71. Limit of punishment of offence made up of several offences

Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

[Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

Where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

The offender shall not be punished with a more severe punishment than the Court which tries him could award for any one such offences.]”

2. Section 26, General Clauses Act, 1897.

“26. Provisions as to offences punishable under two or more enactments.- Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.”

3. Article 20, Constitution of India.

20. Protection in respect of conviction for offences.—(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the Act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

4. Section 300 of the Code of Criminal Procedure, 1973 lays down;

“300. Persons once convicted or acquitted not to be tried for same offence—

(1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of Section 221, or for which he might have been convicted under sub-section (2) thereof”.

SUGGESTIONS:

So it is clear that even though there is a bar on “Double jeopardy” in the constitution of India and in various other acts but still courts are allowing and accepting multiple maintenance petitions. Only way to solve this issue is by simplifying the maintenance laws in India i.e. by allowing maintenance just under one act and by abolishing all other maintenance under all other acts.

REQUEST FOR INFORMATION:

Dear Sir, please provide me the following information.

1. Is your department aware about the issues faced by lakhs of husbands facing maintenance cases under different sections of the Acts.

2. Is your department aware about loss of precious times of the various courts in deciding the same issue under various acts?

3. If the answers to the above questions are yes, then what steps are being taken by your department/ministry to address this issues.

Thanking you sir,
Yours truly,

21. RTI to get copy of and Byan / FIR from police

APPLICATION UNDER THE RIGHT TO INFORMATION ACT 2005

The State Public Information Officer
O/o DGP

Full name of the applicant :

Father's name :

Permanent address :

Phone: Email:

1. Particulars of information solicited :

a) Subject matter of information

Complaint copy in Criminal, Civil cases

b) The period to which the information relates : 2000 – 2010

c) Specific details of information required:

1. Please let me know when the police inform the person that there is a complaint against him, can that person be denied a copy of that complaint?

2. Please let me know under which section or law, the copy of the complaint can be denied to the accused?

3. Please let me know the designated officer to whom the accused can apply to in writing to get a copy of the complaint?

4. Please let me know if the accused can be denied a copy of the complaint before given his statement, byan or any information to the police?

5. Please let me know the action which can be taken against the Officer who refused to provide the copy of the complaint and to whom one should complain in writing regarding this matter?

2. Please provide the certified copies of the guidelines / official circular issued by you to your offices regarding the complaint copy matter.

3. Please let me know if the accused can be denied the complaint copy in English, official language of the country rather than the official language of the state.

4. Please let me know under which section or law, the copy of the complaint can be denied to the accused in English rather than the official language of the state?

All the above information may be sent by local speed post to the applicant's address mentioned above.

Kindly provide information to each point separately. No clubbing of points even if information may be repeated.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of applicant knowledge it pertains to your esteemed office in your statutory capacity as Public Information Officer u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Kindly provide information to each point separately. No clubbing of points even if information may be repeated.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of applicant knowledge it pertains to your esteemed office in your statutory capacity as Public Information Officer u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Kindly provide the name & designation of the officer who is providing this information along with the details (name & designation) of first appellant authority as per rules of RTI Act. Since there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by registered / speed post on the address mentioned above, within 30days (thirty days). As prescribed under the Right of Information rule 2005

Your early reply will be appreciated.

Thanks & Regards,

22. RTI exempted organizations

The List of 22 exempted organizations is given below:

Intelligence Bureau, Ministry of Home Affairs

Directorate of Revenue Intelligence, Ministry of Finance

Central Economic Intelligence Bureau, Ministry of Finance

Directorate of Enforcement, Ministry of Finance

Narcotics Control Bureau

Aviation Research Centre

Special Frontier Force

Border Security Force, Ministry of Home Affairs

Central Reserve Police Force, Ministry of Home Affairs

Indo-Tibetan Border Police, Ministry of Home Affairs

Central Industrial Security Force, Ministry of Home Affairs

National Security Guard, Ministry of Home Affairs

Research & Analysis Wing of The Cabinet Secretariat

Assam Rifles, Ministry of Home Affairs

Sashastra Seema Bal, Ministry of Home Affairs

Special Protection Group

Defence Research and Development Organisation, Ministry of Defence

Border Road Development Organisation

Financial Intelligence Unit, India

Directorate General Income Tax (Investigation)

National Technical Research Organisation

National Security Council Secretariat

23. RTI for Information within 48 hrs under Life or Liberty

To Date xx/xx/xx
Public Information Officer
Police Headquarters,

Sub:- Request for information under section 6 & 7 of RTI Act 2005 within 48 hrs. regarding file movement in Delhi Police vide no. xxxxxxxx

Sir

It is submitted that xxx letters were issued by the xxxxxxxxxx vide no. xxxxxxxxxx dated xx/xx/xxxx asking for the para/point wise reply to the rejoinder submitted by the applicant. The subsequent reminder vide dated xx/xx/xxxx and then again on xx/xx/xxxx (Annexure 1) were sent to DCP/HQ, Delhi, when no report was furnished within prescribed time duration by the office of DCP/HQ, Delhi to office of xxxxx, Delhi.

It is further submitted that when the applicant personally approached the office of DCP/HQ on xx/xx/xxxx, he was directed to contact the O/o Joint C.P., xxxxx, and from there it was stated that the file is sent to O/o Joint C.P. Southern Range. When the applicant approached the O/o Joint. C.P., xxxxxxxxxx, it was learnt that aforementioned file has been sent to DCP/xxxx and the reply is awaited.

It appears from the aforementioned facts that the concerned offices/officers/staff of Delhi Police has no honor and regard for the directions of Hon'ble Commissions, instituted vide the provisions of Constitution of India and hence causing intentional/deliberate delay in right to justice and hence the life and liberty of the applicant is being held at stake in the hands of concerned dealing officials.

It is therefore requested that the following information u/s 6 & 7 of RTI Act 2005 may kindly be furnished :-

1. Kindly provide the certified copies of all letters issued by the concerned offices of Delhi Police in respect of movement of file in matter vide no. xxxxxxxxxx.
2. Kindly provide the justified reason as on record for forwarding the file to the concerned Office/Officer of Delhi Police with the specific para/point nos. of the aforementioned file, because it is apprehended that the aforementioned file is being sent to un-concerned offices for causing deliberate/intentional delay in adjudication of matter.
3. Kindly provide the reason for transferring the file to the O/o DCP/xxxx Distt., by the concerned staff/officer of office of Joint C.P. xxxxx Range, when there is no point related to xxxx Distt. existed in the Rejoinder submitted by the applicant.
4. Kindly intimate the reason as on record for sending the file to different offices/districts when the same can be enquired as per provisions of section 178 of Cr.P.C.
5. Kindly provide the duration in days within which the reply/report to be dispatched in such matters by the concerned office.
6. Kindly provide the certified copy of all Diary Dispatch numbers through which the aforementioned file is moved from one office to another till the file is sent to NCSC, Delhi or till the disposal of this RTI Application, whichever is earlier.
7. Kindly provide the name, rank and belt number, offices of all the officials including clerical staff, who dealt with the aforementioned file till the disposal of this RTI Application.
8. Kindly provide the provision of punishment available for officials deliberately delaying the disposal of matter.
9. Kindly provide details from records the action taken on officials if any, found causing deliberate, negligent delay of the matter by transferring the aforementioned file to office of no concerned.

10. Kindly provide the each and every movement details of this RTI application till its disposal.

The Postal Order no. xxxxxx is attached herewith as requisite fee under RTI Act 2005. The requisite information shall be furnished within 48 hrs as per section 7(1) or RTI Act 2005 as the information also concerns life and liberty as applicable vide Article 21 of Constitution of India being applicant in arrest as per records of P.S. xxxxxx in FIR No. xxx/xxxx. In this regard reference is in case of Sheela Barse V. State of Maharashtra AIR 1983 SC 378 where it was held as follows :-

The operation of Art. 21, insofar as it imposes procedural limitation on a law that effects personal liberty, commences as soon as interference with personal liberty commences and ends only when that interference ceases. Hence, this article becomes relevant as soon a person is arrested, and it remains relevant so long as he remains subject to a criminal prosecution that has resulted or might result in the deprivation of his personal liberty

The information shall be supplied free of charge in compliance of section 7(6) or RTI Act 2005 in case of delay.

Enclosures:-

Annexure 1:- Copy of letter dated xx/xx/xxxx from xxxxxx,

Name

Address

24. First Appeal in case of No RTI reply in 48 hrs under Life or Liberty

To Date xx/xx/2010
Appellate Authority
Joint Commissioner of Police

Sub:- Appeal u/s 19(1) r/w Section 20 of RTI Act 2005 for Matter arising out of absence of any response from the Public Information Officer within prescribed time.

References:-

1. RTI Application dated xx/xx/2010 (Annexure 1)

Sir

The applicant/undersigned is compelled to make this appeal as the Public Information Officer, xxxxxxxxxx, New Delhi has not supplied any information in regards to above mentioned references till date and hence deemed refused in view of section 7(2) of RTI Act 2005.

The requisite time for supply of information (48 hrs under Life and Liberty vide section 7(1)) has already expired. The RTI application was filed for reply within 48 hrs as the information concerns life and liberty of the applicant is restricted being in arrest as per records of P.S. xxxx vide FIR No. xx/xxxx.

It appears from the above mentioned facts that the staff of RTI Cell of xxxxxxxxxx, Delhi has no honor and regard for the Constitution of India, RTI Act 2005 as well as for the directions of Hon'ble Supreme Court of India as they deliberately, malafidely and negligently refused and overlooked to the directions of citation referred in the RTI Applications explaining the matter of Life and Liberty and hence are guilty of Contempt of RTI Act as well as of Hon'ble Supreme Court Order. The applicant while requesting information, relied on the case of Sheela Barse V. State of Maharashtra, AIR 1983 SC 378 where it was held that :-

The operation of Art. 21, insofar as it imposes procedural limitation on a law that effects personal liberty, commences as soon as interference with personal liberty commences and ends only when that interference ceases. Hence, this article becomes relevant as soon a person is arrested, and it remains relevant so long as he remains subject to a criminal prosecution that has resulted or might result in the deprivation of his personal liberty.

It is therefore the applicant/undersigned most humbly prays to dispose off this appeal within 48 hrs as the matter pertains to life and liberty as explained above with the followings in this regard in the interest of justice :-

1. The Public information Officer be directed to immediately release the complete information as requested vide all applications/letters mentioned in Reference above.
2. The requested information may kindly be furnished vide independent replies in reference to aforementioned 3 letters in place of single reply.
3. The applicant/undersigned make kindly be exempted in view of section 7(6) of RTI Act 2005 from payment of any fee payable by me on account of default on the part of PIO to supply information within prescribed time.
4. To initiate action u/s 20 of RTI Act 2005 as well as section 166 of IPC against the concerned staff responsible for delay

Enclosures :-

Annexure 1:- RTI application dated _____

Name
Address

25. Second Appeal Form

The Right to Information Act, 2005

Appeal before

Central Information Commission/State Information Commission

Appeal No. ----- Dated -----

[For office use only]

As I am aggrieved by decision/no decision of Central/State Public Information Officer and/or First Appellate Authority, I hereby file this appeal for your kind decision.

1. Details of appellant:

1.1 Full Name: -----

1.2. Full Address: -----

1.3 Phone/Cell No.: -----

1.4 Email ID: -----

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

2.1 Name/Designation: -----

2.2 Full Address: -----

2.3 Name of Public Authority: -----

3. Details of First Appellate Authority [FAA]:

3.1 Name/Designation of the FAA: -----

3.2 Full Address of FAA: -----

4. Dates of RTI application/first appeal:

4.1 To CPIO/SPIO: ----- & mailed on: -----

4.2 To FAA: ----- & mailed on: -----

5. Particulars of Decisions:

5.1 Reference No & Date of CPIO/SPIO's Decision: -----

5.2 Reference No & Date of FAA's Decision: -----

5.3 Date/s of personal hearing by FAA: -----

6. Dates of receipt of replies by appellant from:

6.1 CPIO/SPIO: -----

6.2 FAA: -----

7. Details of information sought: -----

8. Brief facts of the case: -----

9. Reasons/grounds for this appeal:

10. Any other information in support of appeal:

11. Prayer/relief sought for:

12. Grounds for prayer/relief sought for:

13. Personal Presence at hearing: YES / NO: -----

14. Declaration:

I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with this commission nor is pending with any Court or tribunal or authority.

Place: -----

Date: -----

Signature of appellant

Note: Strikeout whichever not applicable

Select either CPIO (Central Public Information Officer) or SPIO (State Public Information Officer) in your application

INDEX OF APPEAL

of Mr ----- dated ----- with CIC/SIC

1. Particulars Page Sr. No. from/ to
2. Original second appeal
3. Chronology chart of RTI application
4. Copy of RTI application dated----- with its enclosures.
5. Copy of proof of mailing RTI application
6. DD/IPO/PS/Cash receipt for filing fees and other charges.
7. Copy of first appeal dated ----- with its enclosures
8. Copy of proof of mailing first appeal
9. Postal A.D. card/Acknowledgement letter, received from CPIO/SPIO & FAA
10. Copy of decision of CPIO/SPIO dated -----
11. Copy of decision of FAA dated -----
12. Proof of mailing complaint/second appeal to CPIO/SPIO and FAA
13. Other documents in support of second appeal

Place:

Date:

Signature of appellant/complainant

CHRONOLOGICAL CHART OF RTI APPLICATION

of Mr.----- dated -----

1. Action Date: -----
2. Application mailed to ACPIO/CPIO or ASPIO/SPIO on: -----
3. Application received by ACPIO/CPIO or ASPIO/SPIO on: -----
4. Date of receipt of letter for paying charges: -----
5. Date of remitting charges to CPIO/SPIO: -----
6. Date of decision of CPIO/SPIO: -----
7. Date of receipt of decision of CPIO/SPIO by appellant/complainant: -----
8. First appeal mailed to FAA on: -----
9. Date of receipt of appeal by FAA: -----
10. Date/s of personal hearing by FAA: -----
11. Date of decision of FAA: -----
12. Date of receipt of decision of FAA by appellant/complainant: -----
13. Date of Second Appeal/complaint: -----
14. Date of mailing copy of second appeal/ complaint to CPIO/SPIO & FAA: -----
15. Date of mailing Second Appeal to CIC/SPIO: -----

Place: -----

Date: -----

Signature of appellant/complainant

Guidelines for filing second appeal/complaint with CIC/SIC

1. Fill in the above appeal/complaint form, index and chronological order of progress. If you are filing appeal remove 'complaint/complainant' words. If complaint is being filed, delete words "second appeal/appellant"

2. Get it typed in double space.

3. Get one photocopy of:

· Original application under RTI with its enclosures

- First appeal with its enclosures
 - Bank demand draft/pay slip/postal order/cash receipt used for paying filing fee of Rs.10/-and other charges
 - Copy of demand letter of CPIO/SPIO for charges if any
 - Postal proof of mailing original application and first appeal
 - Postal AD slips/official acknowledgement received from CPIO/SPIO and FAA
 - Decisions of CPIO/SPIO and FAA if received
4. Arrange all papers as per index and then serially number all papers on right hand side top corner. This is one original set of second appeal/complaint.
 5. Prepare additional four sets as above by photocopying.
 6. Sign each page of appeal, index and chronology chart [all five sets].
 7. Self attest all the photocopies by signing under the word “Attested”
 8. Send one set by speed/registered/UPC post to each of CPIO/SPIO and FAA and attach photocopy of proof of mailing to the original, extra copy of second appeal/complaint and your copy after filling details in index/chronology chart.
 9. Avoid courier services.
 10. Retain one set for your record and reference, with proof of mailing and AD received from CIC/SIC/CPIO/FAA for having received second appeal/complaint.
 11. If postal AD card is not received or acknowledgement letter is not received from CIC within 15 days of mailing, it is better to send by speed post copy of only second appeal/complaint [without enclosures] with a request to trace the same at CIC/SIC. Photocopy of registered post receipt may also be mailed to CIC/SIC.
 12. You can consult local NGO/RTI activist for filing first or second appeal to have better result. Services are generally free.

26. RTI OBJECTIVE-498a Cases

RTIs should not be filed without an objective behind it & just for the sake of filing it. Basic thumb rule is, the family which files false 498a case to meet their ulterior motive will be definitely having lot of negative points in their side such as lack of moral, lack of values & beliefs, unscrupulous activities, corruption, illegal contacts, illegal activities, tax evasion, black money etc.

By creating these kinds of pressure on the opponent gang & police, we can put our demand across & achieve our objectives. (498a case Quash, Mutual Divorce without payment, child visitation or custody etc)

So, RTI can be an effective tool to achieve our targets, if it is used according to a well thought plan

1. List down the persons from the 498a gang (498a family, witnesses, instigators & their relatives, Police etc) against whom the attack needs to be launched.
2. Go down your memory lane, right from your marriage and collect the information of the 498a gang & their relatives business, profession, properties & related details.
3. List down the objective of your attack against every person, you feel as a potential target from the 498a gang, based on the short coming of each of them.
4. Find out the point for every target person, which you want to expose & make them feel uncomfortable.
5. Search for the appropriate department or entity to get the points or proofs for exposing the point, you have decided to expose of every person, using RTI.
6. Frame the Questions of the RTI application in way to exactly brings out the point you want proof against the opponent.
7. Use the RTI reply in appropriate manner to make the complaint against the person in the suitable forum.

Having said all this, Well directed RTIs can bring success even before getting replies & executing the objective behind it, as the message on RTI applications on the negative points of the 498a gang & Police, will invariably reach them to create panic amongst them & they will start cursing themselves for resorting false 498a route.

27. Sample Complaint to CAW Cell after receiving list of Stridhan

To Date xx/xx/xx
Public Information Officer
Headquarters
Police Head Quarter,

Sub:- Request for information u/s 6 & 7 of RTI Act regarding

This is to inform you that the General Public is much relieved by Delhi Police as the information regarding F.I.R.s and Details of Arrested Persons is made available on the Zonal Integrated Police Network (<http://zipnet.in>) and undersigned would like to take this opportunity to congratulate Delhi Police on its efforts.

With all due respect I would also like to mention that it has also being observed that information regarding many F.I.R.s and Arrests are not uploaded and updated due to negligence or care free attitude or other malafide intentions of some Police Personnel/officials responsible . Hence I would like to obtain the following information regarding display of F.I.R. data on the Zonal Integrated Police Network (<http://zipnet.in>) by Delhi Police:-

1. Please inform the process regarding the steps through which F.I.R. and Arrested Persons Data is uploaded or fed into the system.
2. Please inform from which date has the F.I.R. started being uploaded on Zonal Integrated Police Network.
3. Please inform from which date has the details of Arrested persons started being uploaded on Zonal Integrated Police Network.
4. Please inform from which date has the computerized F.I.R. system started in Delhi Police.
5. Please inform from which date have all police stations of Delhi Police started issuing computerized F.I.R.
6. Please inform from which date has it become mandatory for all F.I.R.s and Arrested Persons details to be computerized in Delhi.
7. Please give information with name, rank and contact details the name of all police personnel of Delhi Police whose duty it is to keep the Zonal Integrated Police Network up to date.
8. Please provide the name and rank, belt no., PIS no. , police station/official address of all staff responsible for uploading complete FIR and Arrested person details for making it online.
9. Kindly intimate time period required to make details of FIR and Arrested Person available online after registration of FIR and execution arrest of a person.
10. Kindly provide the name, rank of the officials from each police station/ unit of Delhi Police responsible for uploading the FIR and details of Arrested persons to make it online but failed to update the online system as being part of their duty.
11. Kindly provide the details of punishment with relevant rule under which the irresponsible officers in above mentioned matter are liable to be punished.
12. Kindly provide the details of punishments awarded/enquiry initiated/explanation/ show cause issued to officials for dereliction of duty in aforementioned matter.
13. Kindly intimate by when the list of officials with complete details will be made available on the Delhi Police Official Website and in any other relevant disclosures as mandatory vide section 4 (b)(i)(ii)(iv)(xv)of RTI Act 2005.

The Postal Order No. xxxxxxxx is attached herewith as requisite fee under RTI Act 2005.

The information requested is required in larger public interest as because of intentional no uploading of information to website by some of the officials of Delhi Police, the general public is getting hardship in getting the details of FIR which is a public document as per Law.

Name
&
Address

28. Marriage Certificate through RTI

BY SPEED POST

From, Date: xxxxxxxx

Your Name

Your Address

xxxxxxxxxxxxxx

xxxxxxxxxxxxxx

Mob : xxxxxxxxxxxx

To

Public Information Officer,

The Inspeccor General of Registration,

Sir/Madam,

Sub: Request for Information under RTI Act 2005

Ref: Marriage Certificate of (Your Name) and (name of your soon to be Ex-Wife) at SRO xxx (name place where you registered)

1. Please provide attested copy of the Marriage Certificate of xxxxxx and xxxxxxxx whose marriage was registered on (date) at SRO xxxxx
2. Please provide the attested copy of the application provided (front and back of Page of – RULE 5) for the registration of the above marriage with reference to this marriage certificate.

I am affixing one number of 20/- Postal Order towards the processing fees of Rs. 10/- for this application and Rs. 10/- towards copying charges.

If the processing fees for this application and the fees towards copying charges are in-sufficient to provide the above requests, please follow the provisions of section 7 (3) (a), (b) of the RTI Act 2005.

If you feel that the requested information doesn't come under your department please follow the provisions of section 6 (3) of RTI Act 2005.

I request that the information requested may be provided at the earliest.

Thanking you, in anticipation I remain;

Yours sincerely

(Your Name)

29. DECISIONS & IMPLICATIONS

DECISIONS & IMPLICATIONS

1. Information includes file notings. (ICPB/A-1/CIC/2006 dated 31.01.06)
2. A public authority can divide responsibilities amongst PIOs, but every PIO has to accept every application. (10/1/2005/CIC dated 25.02.06)
3. The PIO with whom the application is submitted has to provide the information. He cannot forward to another PIO within his department. Also, he cannot ask the applicant to approach another PIO for submission or obtaining information. (ICPB/C1/CIC/2006 dated 06.03.06)
4. Only PIOs can provide information. Other officers and APIOs cannot provide information. APIOs job is to only forward the application or the appeal. (10/1/2005/CIC dated 25.02.06)
5. Transfer under section 6(3) is not possible within a single public authority. (10/1/2005/CIC dated 25.02.06 & ICPB/C1/CIC/2006 dated 06.03.06)
6. A public authority can prescribe a form for making application. However, it was clarified in a subsequent review order that an application can still be made on plain paper and it cannot be rejected. (CIC/C/I/2006 dated 16.01.06 & CICI/C/1/2006 dated 30.01.06)
7. The onus for timely dispatch of replies is on the PIO alone. (CIC/OK/A/2006/00049 dated 02.05.06)
8. An appellant can seek the help of others in proceedings. (10/1/2005/CIC dt. 25.02.06)
9. One has to serve documents on the opposite parties also. (10/1/2005/CIC dt. 25.02.06)
10. It is possible to seek reviews of Commission's decisions. (CICI/C/1/2006 dated 30.01.06 & CIC/A/3/2006 dated 03.04.06)
11. An appellant has a right to be heard by the first appellate authority. (CIC/AT/A/2006/00040 dated 27.03.06)
12. A public authority can only ask for costs as prescribed in the Act and the Rules, and cannot ask for compensation for their time and other costs incurred. (23/IC(A)/2006 dated 10.04.06)
13. Use of lawyers for representation is discouraged by the Commission. (CIC/MA/A/2005/00004 dated 02.05.06)
14. Even if the information is available on the government's website, one can ask for it through an application. (CIC/OK/A/2006/00046 dated 02.05.06)
15. A tender cannot be cancelled without giving reasons. In fact, every action of a public authority must have a reason and it should be transparent to all. (ICPB/A-4/CIC/2006 dated 10.02.06 & ICPB/A-6/CIC/2006 dated 27.02.06)
16. Information cannot be denied under section 7(9). This provision only deals with the form in which information is to be supplied. (10/1/2005/CIC dated 25.02.06)
17. The government cannot wrongly classify its documents as Secret and then claim exemption from disclosure. (CIC/A/12/2006 dated 21.02.06)
18. Excuse of "potential misuse" is not sufficient to deny information. (10/1/2005/CIC dated 25.02.06)
19. Jailed or under-trial people is not personal information and is not invasion of privacy. (CIC/WB/A/2006/00120 dated 01.05.06)
20. Tour programmes and travel expenses of a public authority are not personal information.

(07/IC(A)/CIC/2006 dated 06.03.06)

21. Bio-datas and application forms together with enclosures for appoint in public authorities cannot be denied. (ICPB/A-9/CIC/2006 dated 03.04.06)

22. Names of officers who are under discreet watch due to suspicion of corruption but still have been promoted have to be disclosed. (CIC/MA/A/2006/116 dated 01.05.06)

23. Complainants should be in the know of the progress of their complaints about income tax evasion. (CIC/MA/A/2006/118 dated 01.06.06)

24. PA can be directed to provide information after investigation is completed under intimation to the CIC. (CIC/MA/A/2006/118 dated 01.06.06)

25. Where information sought is not clear, the Commission may direct the appellant to clarify and PIO to provide information within 10 days. (CIC/AT/A/2006/074 dated 01.06.06)

26. Data protection under section 8(1)(j) and 11 cannot be invoked to deny information not held in confidence. (CIC/WB/A/2006/126 dated 01.06.06)

27. Personal performance assessment/appraisal forms of government employees cannot be disclosed. (29/IC(A)/06 dated 20.04.06)

28. PAN, TAN Numbers are confidential. (05/IC(A)/CIC/2006 dated 03.03.06)

29. Evaluated answer sheets of self or others cannot be disclosed. However, “answer key” and “award of marks” cannot be kept secret. (ICPB/A-2/CIC/2006 dated 06.02.06 & ICPB/A-3/CIC/2006 dated 10.02.06 & 11/53/2006-CIC dated 02.05.06)

30. One cannot prefer a second appeal directly with the Commission without first preferring the first appeal. (CIC/A/1/2006 dated 18.01.2006)

31. For a valid reason, this appeal was referred back to the first appellate authority. However, the appellant was advised that he can revive the appeal if the first appellate authority failed to act within the extended time. (ICPB/A-5/CIC/2006 dated 17.02.06)

32. PIOs cannot appeal against the decisions of first appellate authorities. (06/IC(A)/CIC/2006 dated 03.03.06)

33. Exemption provided to the organizations listed in Second Schedule of the Act are absolute in nature. (CIC/AT/A/2006/00055 and 30 dated 27.04.06)

34. The provision that “information that can be given to the Parliament can be given to the application also” is meaningless. The Commission has not accepted it even once. In this case, it even asked for a cause of action which is not allowed in the Act. (02/IC(A)/CIC/2006 dated 22.02.06)

35. Even a Supreme Court PIO is not exempt from penalty. He narrowly avoided it in this case. (CIC/A/3/2006 dated 07.02.06 and 03.04.06)

36. Investigation should be taken as completed only after the competent authority makes a prima-facie determination about the presence or absence of guilt on receipt of the investigation report from the investigating officer. (CIC/AT/A/2006/039 dated 01.06.06)

30. HOW TO USE THE INFORMATION OBTAINED

Information is meaningless and useless if it cannot be put to good use. You have obtained information from the government department and you have got the evidence of corruption in your hands. What do you do now? What is the next logical step? Of course, the next step would be to let people know and bring the guilty to book. Some of the most effective methods are listed below:

1. Submit your findings to various vigilance agencies such as CBI, Central Vigilance Commission, local police, etc. and ask them to take action. Also ask them to tell you within 15 days what action will be taken.
2. Write to the concerned department and mark copies to your local MLA, MP, Chief Minister, Prime Minister, High Court, etc. Send them all proof and ask them to take action, and give you a status report within 15 days.
3. After a gap of three weeks, file RTI applications with every government agency to whom you had sent your findings, and demand status report on your complaint. Since they have to give you the status report, and they cannot afford to say “we have done nothing”, they will first take action and then give you a positive status report. If nothing at all, they will start an investigation in the matter. You should file an application every month for an update on the status of investigation.
4. Plan and organize a Jan Sunwai and invite the media, RWAs, other NGOs, politicians. It is a gathering of affected and interested people before whom all facts, records and evidences are placed.
5. Make your findings public through media, your personal contacts, NGOs/RWAs and by holding street or colony level meetings.
6. Send all details in a file and we might be able to suggest additional ways of using the information to good effect. Using your initial discovery, we may perhaps help you discover and expose even more corruption.

Since even CBI and CVC are now bound by law to respond to your RTI application, they will first have to take some action and then report this to you. Imagine, the corrupt government officer or department receiving a letter from CBI asking uncomfortable questions!

31. IMPORTANT GUIDELINES

The degree of your success with RTI depends upon how you frame your questions. Be specific, clear and comprehensive about the information you need or the work and records that you want to inspect, or the certified samples of materials that you want to collect. Do not hesitate to write them in as much detail as is necessary. Write them in the form of a list. Make sure each point deals with just one piece of information or work or record. And then write as many points or sub-points as you want. Do not hesitate even if the whole application becomes thicker than an encyclopaedia.

2. Try to limit one application to one subject. You are more likely to get more information within the time limits in this way rather than by stuffing a lot of related questions and requests in a single application.
3. The more you already know about the department and its functioning, the more effective your questions will be. Therefore, try to get the application verified by someone who is from within the system.
4. Government departments normally ignore your complaints and reports of corruption. To force them to act on them, we have devised a highly successful strategy as follows:
 - a. Send a complaint to the department concerned.
 - b. Make sure that you send a copy of this letter to other appropriate agencies such as CBI, CVC, Anti-Corruption Branch of the state government, etc. by registered or speed post.
 - c. A week after sending this letter, file your application for information with not only the public authority, but also CBI, CVC and other anti-corruption agencies to whom copies were sent. The applications should be to seek status of your complaint.
 - d. Since the CBI, CVC etc. have to provide you the information requested, they will first seek this information from the concerned public authority by writing to them.
 - e. Imagine a government officer receiving a letter from CBI talking about corruption and seeking a status report. **YOUR WORK IS CONSIDERED DONE!**
5. Use faxes and emails, but make sure you have a proof of every communication that you send to PIOs, appellate authorities, and Commissions. Regd./Speed post are the best methods for sending applications, complaints and appeals. For reminders and the rest, use normal post UPC ("Under Postal Certificate").
6. After filing your application, it is best to send a reminder by fax, email or phone after 10 days. In some cases, the public authorities simply lose or forget about the application. Therefore, a reminder will help.
7. Send a fortnightly reminder to CIC/SICs.
8. If you face any resistance, incompetence, inefficiency or lack of interest in implementing the RTI in any of the Public Authorities, do bring this to the notice of the Commission by writing to them.
9. Many state governments had enacted their own RTI laws. Now, however, the central RTI Act has come into force and it is more powerful and effective. So you do not need to use any of the state RTI laws.
10. Do forward us a summary of your success story together with copies of all documents upon receipt of information. There is always something to be learnt from each application. We will try to post every application on the website for the benefit of others.

32. UNDERSTANDING & USING THE RIGHT TO INFORMATION ACT (“RTI ACT”)

This chapter is a simplified yet correct explanation of the Act. If the contents of this do not satisfy your needs, please refer to the full Act in this Handbook which has many progressive provisions.

NOTES

1. Central Information Commission posts all its decisions on <http://cic.gov.in>. Since the RTI Act is fairly new, such decisions act as clarifications of many clauses of the Act. Therefore, these decisions become important precedents and must be read regularly.
2. Certain parts of this chapter carry comments in grey colour which enhance your understanding.
3. TEXT IN THIS COLOUR AND STYLE HIGHLIGHTS SHORTCOMINGS IN THE ACT WHICH NEED TO BE REMOVED. WE ARE LOBBYING THE GOVERNMENT TO BRING AN ALL COMPREHENSIVE AMENDMENT TO THE ACT AND MAKE IT AN IDEAL RTI ACT WHICH THE ENTIRE WORLD CAN EMULATE.

The RTI Act came into force on 12th October 2005. Its purpose is to ensure that the public has access to information which is under the control of various government authorities. It is designed to promote transparency and accountability in the working of every government department or institution at both central and state levels. This Act overrides and has supremacy over the Official Secrets Act 1923, where applicable.

WHAT IS INFORMATION

Information means any material in any form, including records, documents, manuscripts, memos, emails, opinions, advices, file notings, press releases, circulars, orders, logbooks, contracts, reports, papers, samples and models. Also data held in any electronic form such as fax, microfilm, microfiche, etc.

1. You can take certified copies of documents, notes, extracts, contracts, etc.
2. Inspect documents and records at government offices.
3. Inspect works such as quality of roads.
4. Obtain information in the form of printouts, disks, etc.
5. Take certified samples of materials, such as, polluted water, road material, cement.

COVERAGE AND APPLICABILITY

Any authority, body, institution, department, panchayat, etc. which is part of the government is covered. NGOs substantially financed directly or indirectly by the government are also covered. All such bodies are referred to as a “Public Authority” in the Act.

THE ACT SHOULD ALSO APPLY TO ALL LISTED COMPANIES, NOT-FOR-PROFIT AND SOCIAL ORGANIZATIONS (NGOS), POLITICAL PARTIES, HOUSING SOCIETIES, ETC., THOUGH A LIMIT COULD BE SET ON THE SCOPE OF INFORMATION AVAILABLE IN SUCH CASES.

Certain intelligence and security organizations are exempt from providing information (see the Second Schedule on the last page of the Act in this book). However, information pertaining to corruption and violation of human rights in these organizations is not exempt. The Act applies to the whole of India with the exception of the state of Jammu and Kashmir.

OBLIGATIONS OF PUBLIC AUTHORITIES

Govt. departments are required to automatically publish a lot of information. Please see Section 4 of the Act.

PUBLIC INFORMATION OFFICERS (PIO)

Every Public Authority (government department) is supposed to appoint a PIO in all its administrative units to provide information to citizens.

Some departments have appointed just one central PIO, whereas others have appointed separate PIOs for separate functions/offices. One way or the other, you'll be able to find a PIO who will accept your application and provide you information. You may also visit <http://rti.gov.in>

THE PRACTICE OF DESIGNATING ONE OR MORE PIOS FOR EACH SUB-DEPARTMENT OFTEN CAUSES CONFUSION AND HARASSMENT. TO KNOW WHO IS THE RIGHT PIO IS A DIFFICULT TASK. IDEALLY, THERE SHOULD BE JUST ONE PIO FOR A PUBLIC AUTHORITY, AND SEVERAL ASSISTANT PIOS. THE ACT NEEDS AN AMENDMENT IN THIS RESPECT.

There is supposed to be an Assistant PIO ("APIO") at each sub-district level (tehsil). His job is to receive your application for information or appeal and forward it immediately to the concerned PIO. Also, an officer in several post offices acts as an Assistant PIO for many Public Authorities.

Most public authorities have not appointed any APIO. This violates the law. Many NGOs, are pursuing this issue with the government.

A PIO may, from time to time, require the assistance of other officers in his department. If the other officers do not assist the PIO, they will be held liable and can be penalised in place of the PIO.

APPLYING FOR INFORMATION

1. First you must know the name and address of the concerned PIO. Details in many cases are available on the website of the concerned Public Authority. A visit to <http://rti.gov.in> may also be useful.

2. Apply in any of the following ways.

THE ACT SAYS THAT YOU CAN APPLY THROUGH ELECTRONIC MEANS. THIS POINTS TO EMAILS. HOWEVER, SINCE FEE CANNOT BE PAID ELECTRONICALLY, THE ONLY WAY TO MAKE AN APPLICATION IS BY A VISIT. THE ACT SHOULD PROVIDE FOR ONLINE TRANSACTIONS AND ACCEPTANCE OF PERSONAL CHEQUES UPTO A VALUE OF RS.100.

Some states or some public authorities have specified a particular form for application. It is usually titled as "Form A".

a. Apply on a plain paper in English, Hindi or local language.

b. Use the application form prepared by NyayaBhoomi called "Application Form A". It contains essential clarifications and instructions for the concerned PIO.

c. If a request cannot be made in writing, the applicant can make an oral request and the PIO will record it in writing.

3. Your application should be accompanied by a fee (1) in cash or (2) by DD or (3) pay order. Fee for all central government public authorities is Rs.10.

Different states have prescribed different rates of fee. For example, for Haryana, it is Rs.50.

Some states also accept fee through other methods. For example, in Haryana, you can pay through treasury challan.

THE STATES HAVE BEEN GIVEN THE POWER TO MAKE RULES. SOME STATES HAVE ALREADY STARTED TO MISUSE THIS POWER IN ORDER TO RENDER THE ACT TOTALLY DUD. FOR EXAMPLE, THEY HAVE PRESCRIBED CHARGES SO HIGH THAT ONE DARE NOT SEEK INFORMATION. RULES OF SOME STATES ARE A CLEAR VIOLATION OF THE ACT ITSELF.

4. Deposit the application together with fee at the counter of the concerned Public Authority. Obtain acknowledgement on the photocopy of the application together with a receipt for the fee. Many public authorities can make you run from pillar to post on one pretext or the other and hassle you so much that you may give up the idea of filing the application. Usually, they hassle you about application timings, fee deposit methods, and identification of the right PIO. As concerned and responsible citizens, it is our duty to make sure that the public authorities know that such obstacles will not deter us from seeking information. Gradually, the resistance from the government authorities will die down and they will accept RTI as our right.

5. You are not required to give any reason for asking for the information.

6. You are not required to give personal details. Only contact details are sufficient.

7. You must be a citizen of India, but you are not required to give any proof.

8. Only individuals can apply; Corporates, NGOs and institutions cannot apply. However, you can prepare your application on the letter head of an NGO or institution if you want.

HOW DOES A “PIO” DEAL WITH YOUR APPLICATION

1. There are several possible scenarios:

a. The PIO gives/communicates the information to you within 30 days.

b. The PIO is entitled to a short extension of time. (See “Time Limits”)

c. The PIO rejects your request for reasons specified under “Barred Information”. Or he rejects part of your application, and gives you only partial information. (Decide if you should file an appeal. For more guidance, read on)

d. The PIO does not give you the information within the time limit. In this case, he will be deemed to have refused your request for information. (File an appeal)

e. The PIO gives you vague, evasive or partial information. (File an appeal)

f. The PIO discovers that jurisdiction for the whole or some part of the information lies with another Public Authority. He will transfer this part to another Public Authority and intimate to you about the transfer within 5 days (if he takes more than 5 days, complaint to Commission).

The PIO is still responsible for the rest of the information. For the transferred part, the PIO of another Public Authority has to give you information within 30 days from the date of transfer.

THE PROVISION DEALING WITH THE TRANSFER OF YOUR REQUEST IS APPLICABLE ONLY WHEN THE TRANSFER IS MADE FROM ONE PUBLIC AUTHORITY TO ANOTHER PUBLIC AUTHORITY. HOWEVER, PIOS REGULARLY MISUSE THIS PROVISION FOR EVEN FORWARDING THE APPLICATION TO ANOTHER PART OF THEIR OWN DEPARTMENT. FORTUNATELY, IN A DECISION, THE CENTRAL COMMISSION HAS CLARIFIED THAT SUCH A PRACTICE IS NOT ONLY UNACCEPTABLE, BUT ALSO A PIO CANNOT FORWARD AN APPLICATION WITHIN HIS OWN DEPARTMENT. THE PIO WITH WHOM THE APPLICATION IS MARKED HAS TO PROVIDE THE INFORMATION & HE CANNOT FORWARD IT ANOTHER PIO IN HIS OWN DEPARTMENT.

g. Information is about a third party and the PIO needs time. See section “Third Party”.

2. PIO shall ordinarily provide information in the requested form/format.

3. Where a request has been rejected in whole or in part, the PIO shall communicate to you

a. the reasons for rejection/decision

- b. the period within which you may make an appeal, and
- c. the particulars of the appellate authority

FEES

1. A fee of Rs.10 is deposited along with the application if it is a central government public authority.
2. Different state government have prescribed different fees. Usually, it is not over Rs.50 per application.
3. There is no fee if the applicant belongs to “Below Poverty Line” category.
4. If the PIO exceeds time limit, information will be given free of charge no matter how high the cost is.
5. In many cases, payment of further fee may be required. The PIO shall intimate the calculations of further fees in writing, and request you to deposit this. He will also intimate
 - a. your right to review of fee
 - b. to whom to request for review
 - c. the process and time frame for review
6. The following standard charges will apply in the case of central government public authorities;
 - a. Rs.2 for each page created or copied or photocopied upto A3 size.
 - b. Actual charge for larger sizes
 - c. Actual cost or price for samples and models, and published material at the price fixed
 - d. Rs.50 for each CD, floppy disk or other similar media
 - e. For inspection of records, no fee for the first hour and Rs.5 for each subsequent hour
7. State governments have prescribed their own charges. Some are outrageously high. For example, for Haryana and Punjab, the charge for each page is Rs.10.

TIME LIMITS

1. PIO shall provide information or reject your request for information within 30 days.
2. Information concerning the life or liberty of a person to be provided within 48 hours – even on holidays.
3. When submitting an application with Assistant PIO, add 5 days.
4. When application is transferred from one Public Authority to another, add 5 days.
5. If the PIO fails to give a decision in time, he shall be deemed to have refused the request. Go to appeal. Refusal is different from rejection. PIO has the right to reject, but has no right ever to refuse.
6. First appeal may be made within 30 days. More time may be given on reasonable grounds. This appeal shall be disposed of within 30 days. The first appellate authority may take upto 45 days but has to record the reason for delay in its decision.

THE ACT STIPULATES THAT WHEN IT CONCERNS THE LIFE OR LIBERTY OF A PERSON, INFORMATION SHALL BE PROVIDED WITHIN 48 HOURS. HOWEVER, IF THE REQUEST FOR INFORMATION IS REFUSED/REJECTED, THE PROCEDURE FOR THE FIRST APPEAL TAKES THE USUAL 30 DAYS. THE PERSON MAY WELL BE DEAD IN THAT TIME PERIOD.

7. Second appeal may be made within 90 days. More time may be given on reasonable grounds. The commission

generally gives its decision within 90 days.

8. Where the fee is more, intervening period between intimation by the PIO and receipt of fee by him will be added to the applicable time limit.

9. In cases of human rights violation where the Commission's approval is necessary, the information will be supplied within 45 days.

10. Where the interests of third party are involved and there is no objection by the third party after being heard, the information will be provided within 40 days.

11. If the third party objects, then the third party will go through standard appeals process.

THIRD PARTY

1. If the information sought concerns the interests of a third party, the PIO shall give a written notice to the third party within 5 days from the receipt of the request and take its representation into consideration.

2. Third party shall be given 10 days to make a representation before the PIO.

3. The PIO shall, within 40 days of application and after giving the third party an opportunity of being heard, make a decision whether or not to disclose information and give in writing the notice of his decision to third party. The third party may appeal against the decision, and standard appeals procedures shall be followed. Until all these procedures are completed, information cannot be given to you. Time taken by such procedures shall be added onto the time limit of 40 days.

BARRED INFORMATION WHICH CANNOT BE DISCLOSED TO YOU

1. Information which could affect the sovereignty, integrity, security, strategic, scientific or economic interests of the country, or relations with foreign State.

2. Information which could lead to incitement of an offence.

3. Information the disclosure of which may constitute contempt of court.

4. Information, the disclosure of which would endanger the life or physical safety of any person.

5. Information which would impede investigation or apprehension or prosecution of offenders.

6. Information which may harm commercial interests of a third party unless larger public interest is served.

7. Information available to a person in his fiduciary relationship unless larger public interest is served.

8. No copyrighted information can be provided.

9. Cabinet papers generated during the process of making a decision cannot be disclosed until the decision has been taken.

10. Personal information which serves no public interest, or which would cause unwarranted invasion of the privacy of the individual unless the PIO is satisfied of the larger public interest. However, any information which cannot be denied to parliament or state legislature shall not be denied to you.

EXEMPTIONS

1. Regardless of exemptions, PIO may allow access if public interest outweighs harm to protected interests.

2. Any 20 year old information shall be open for access. Decision about when 20 years end shall be taken by the Central Government but will be subject to the usual appeals provided for in this Act.

APPEALS

1. There are two levels of appeal: the First appeal, and the Second appeal.
2. In case of no or bad decision, first appeal may be preferred within 30 days. First appellate authority shall be a designated officer senior in rank to the concerned PIO in the concerned department. His/her name is usually posted on the same website/notice-board/document where the details of PIOs are posted.
3. In appeal proceedings, the onus to prove that a denial was justified shall be on the PIO.
4. First appeal shall be disposed of within 30 days. May be 45 days for reasons recorded in writing
5. First appeal may be preferred in writing on a plain paper and should include:

“First Appeal”. It includes columns/fields for all of the essential details listed below.

 - a. name/designation and address of the first appellate authority
 - b. your name and contact details
 - c. concerned PIO’s name and designation
 - d. application ID no. and/or fee receipt no. issued by the authority at the time of applying, if any
 - e. photocopy of the application form – if the enclosures are too many, don’t enclose them
 - f. photocopy of the rejection letter or reply, if available
 - g. detailed “grounds of appeal”
 - h. “prayers” – this is basically a list of your demands/requests to the first appellate authority

IT IS OUR EXPERIENCE THAT THE FIRST APPEAL IS NORMALLY, BUT NOT ALWAYS, A SHAM. BEFORE REJECTING YOUR APPLICATION, THE PIO USUALLY CONSULTS THE OFFICER WHO WILL BE THE FIRST APPELLATE AUTHORITY, AND IT IS WITH HIS COVERT SUPPORT THAT THE APPLICATION IS FULLY OR PARTIALLY REJECTED. WHEN THE APPEAL GOES TO THE FIRST APPELLATE AUTHORITY, HE WOULD HAVE ALREADY MADE HIS DECISION TO DISMISS YOUR APPEAL ON ONE GROUND OR THE OTHER. THEREFORE, WE ARE OF THE BELIEF THAT THE FIRST APPEAL REQUIREMENT IS MEANINGLESS AND SHOULD BE DELETED. WE ARE LOBBYING THE GOVERNMENT FOR AN AMENDMENT IN THE ACT.

6. If the first appeal is partially or fully dismissed, you may prefer a second appeal which lies with the Commission within 90. More time may be admitted on reasonable grounds.
 7. No time limit has been set in the Act for the disposal of appeal with the Commission. It is a shortcoming of the Act which we are pursuing with the government. Usually, the Central Information Commission delivers its decision within 90 days.
- THE ACT HAS NOT PUT A CAP ON THE TIME WITHIN WHICH AN APPEAL WITH THE COMMISSION HAS TO BE DISPOSED OF. IN THEORY, THE COMMISSION COULD TAKE 50 YEARS IF IT WANTED TO.
8. The decision of the Commission shall be binding. However, you are always at liberty to approach a High Court with a writ petition.
 9. In its decision, the Commission may impose a penalty of Rs.250 for each day’s delay on the PIO, subject to an upper limit of Rs.25,000.

THERE IS NO PROVISION FOR MONETARY PENALTY IN THE FIRST APPEAL. IT EFFECTIVELY GIVES A PIO ANOTHER UPTO 30 DAYS DURING WHICH YOU WILL HAVE TO FILE THE FIRST APPEAL, AND

THEN AGAIN 30 MORE DAYS FOR THE FIRST APPEAL TO BE DISPOSED OF. WHEN THE FIRST APPEAL IS SUCCESSFUL, THE PIO IS AGAIN USUALLY GIVEN 15 DAYS TO PROVIDE THE INFORMATION. THE ENTIRE PROCESS RESULTS IN A PERIOD OF 105 DAYS BEING AVAILABLE TO A PIO TO PROVIDE YOU THE INFORMATION WITHOUT THE FEAR OF PENALTY ON ACCOUNT OF THE DELAY. THE PROVISION FOR MONETARY PENALTY SEEMS TO HAVE BEEN LEFT AT THE DISCRETION OF THE COMMISSION. PUTTING AN UPPER LIMIT ON THE PENALTY AMOUNT MAY ALSO GIVE LEEWAY TO GOVERNMENT OFFICERS WHO ARE INVOLVED IN LARGE SCALE CORRUPTION AND WHERE EVIDENCE MAY BE TAMPERED WITH IF TIME IS ON THE OFFICERS' SIDE.

10. In its decision, the Commission may require the Public Authority to compensate the complainant.

INFORMATION COMMISSIONS

1. Throughout this Handbook, we refer to both Central Information Commission and State Information Commission as just "Commission(s)".

2. Central Information Commission is for central government matters, whereas State Information Commissions are for state government cases. These are all independent bodies. No appeal against a decision of a State Commission lies with the Central Commission.

IDEALLY, THE FIRST APPEAL SHOULD LIE WITH THE STATE INFORMATION COMMISSIONS, AND THE SECOND APPEAL SHOULD GO TO CENTRAL COMMISSION. IN THE CASE OF CENTRAL PUBLIC AUTHORITIES, A SEPARATE BODY SHOULD BE ESTABLISHED FOR FIRST APPEALS. THIS HAS NOT BEEN PROVIDED FOR. THIS MAY CRIPPLE THE ACT IN STATES WHERE LOCAL INFLUENCE AND POLITICS CASTS ITS SHADOW ON STATE INSTITUTIONS.

3. Each Commission has one Chief Information Commissioner and upto ten Information Commissioners. They are the people of eminence, and cannot pursue any other profession. HO of Central Commission is in Delhi. Head offices of the State Information Commissions are likely to be in their capital cities.

4. Commissions can receive and inquire into complaints where:

a. PIO has not been appointed, or the Assistant PIO has refused to accept an application

b. information is not given, or is incomplete, misleading, or false

c. time limits are not met

d. amount of fee is seen as unreasonable

e. in respect of any other matter relating to RTI

For b, c and d above, instead of a complaint, it is best to go for First Appeal and if necessary, then the Second Appeal.

5. Commissions shall have the same powers as a civil court. They can

a. summon persons, compel them to give evidence and produce documents or things

b. require the discovery of documents

c. examine any record of a Public Authority including records which are exempt from disclosure

6. Burden of proving that he acted reasonably and diligently shall be on the PIO.

7. Where a PIO fails persistently in his duties, the commission can recommend disciplinary action.

8. Commissions shall prepare a comprehensive and exhaustive report on the implementation of this Act every year. This report would include detailed statistics.

9. Commissions can recommend measures for reforms in general or in respect of particular Public Authorities in order that RTI can be properly operated.

OTHER IMPORTANT POINTS

PUBLIC AUTHORITIES RARELY TAKEN ACTION ON YOUR COMPLAINTS, AND RARER STILL IS THE FEEDBACK TO YOU ON WHAT HAPPENED. THE ONLY RECOURSE IS FOR YOU TO LODGE A COMPLAINT FIRST, AND THEN SEEK INFORMATION UNDER THE ACT AFTER A WEEK. IT WOULD HAVE BEEN FAR MORE EFFECTIVE, TIME AND COST SAVING, AND TRUST BUILDING IF THE ACT ITSELF HAD PROVIDED FOR A COMPLAINT HANDLING MECHANISM. UNDER THIS, YOU COULD LODGE A COMPLAINT AND BE ENTITLED TO GETTING THE FINAL REPORT AUTOMATICALLY WITHIN 30 DAYS. OFTEN, YOU MAY WANT INFORMATION WHICH IS NOT STATIC BUT CONTINUES TO EVOLVE. FOR INSTANCE, YOU MAY WANT A PROGRESS REPORT IN A PARTICULAR INVESTIGATION, OR THE STATUS OF A PARTICULAR PROJECT. IT IS QUITE OBVIOUS THAT YOUR INTENTION IS TO BE KEPT UPDATED AS THINGS MOVE ALONG. THE ACT DOES NOT CLEARLY PROVIDE FOR SUCH A POSSIBILITY. ONCE YOU HAVE GOT ACCESS TO INFORMATION AVAILABLE AT A GIVEN POINT WITHIN 30 DAYS AS REQUESTED IN YOUR APPLICATION, THAT APPLICATION IS DEEMED TO HAVE BEEN DISPOSED OF. TO RECEIVE FURTHER RELATED INFORMATION THAT GETS CREATED IN FUTURE, YOU WILL HAVE TO APPLY AGAIN.

33. COMPLAINT UNDER SECTION 18(1) OF THE RTI ACT 2005

CENTRAL INFORMATION COMMISSION

COMPLAINT UNDER SECTION 18(1) OF THE RTI ACT 2005

Your Name

versus

Department Name i.e Department / Incometax ect City

LIST OF DATES & INDEX OF DOCUMENTS

Description Date Page No.

List of Dates, Index of documents 00.00.00 1

Complaint 00.00.00 2

Order of the first appellate authority 00.00.00 5

First Appeal 00.00.00 6

PIO's reply 00.00.00 7

RTI application 00.00.00 9

ADVICE TO RESPONDENTS

Regulation 12 of "The Central Information Commission (Management) Regulations, 2007" reads as follows:

Filing of Counter Statement by the Central Public Information Officer or the First Appellate Authority:- After receipt of a copy of the appeal or complaint, the Central Public Information Officer or the First Appellate Authority or the Public Authority shall file counter statement along with documents, if any, pertaining to the case. A copy of the counter statement(s) so filed shall be served to the appellant or complainant by the CPIO, the First Appellate Authority or the Public Authority, as the case may be.

This is for your information and ready reference. Please act accordingly.

Date: Your Name

(Complainant)

CENTRAL INFORMATION COMMISSION

COMPLAINT UNDER SECTION 18(1) OF THE RTI ACT 2005

Your Name

Address Complainant

VERSUS

1. PIO

PIO Address

2. . Appellant Authority

AA Address Respondents

BRIEF FACTS OF THE CASE

1. The Complainant had filed an application for information on 00.00.00.
2. A letter dated 00.00.00 was received from the PIO in which he has made a sweeping and vague comment but has not provided information.
3. The Complainant preferred first Appeal dated 00.00.0000.
4. Order of the AA, i.e., Respondent No. 2 dated 00.00.00 was received. The Complainant is not satisfied with the order, hence this Complaint.

GROUND OF COMPLAINT

1. The complaint is necessary instead of the appeal so that the Commission may conduct a field enquiry in respect of the information which is the subject matter of this complaint.
2. The Complainant submits that both Respondents have flagrantly violated the letter and the spirit of the RTI Act which was enacted to not only ensure access to information but also to fix accountability.
3. The AA has given no opportunity of a hearing to the Complainant.

RELIEFS SOUGHT

1. A thorough enquiry be conducted including inspection of all the sites to which the request for information pertains in order to ascertain the information which the PIO has concealed in a mala fide manner.
2. The PIO be directed to provide complete and comprehensive information free of cost in one batch immediately.
3. Penalty be imposed on the PIO under section 20(1) of the Act for denying information in a mala fide manner.
4. Disciplinary action be recommended against PIO under section 20(2).

5. The concerned public authority be directed to pay a nominal sum of Rs.20,000 to the Complainant towards costs under section 19(8)(b).

6. Any other directions/orders as the Hon'ble Commission may deem fit may be passed.

Place:

Date:

Your Name

Complaint

34. Wife Details from School (Government or Pvt School)

THIS RTI TEMPLATE IS FOR ANY SCHOOL (PVT / GOV) AFFILIATED TO CBSC BUT IF YOUR WIFE IS WORKING IN ANY SCHOOL AFFILIATED TO REGANOL BORD KINDLY WRITE TO CPIO REGIONAL BOARD i.e U P Education Board, Allahabad Board, MP Education Board, ect

To,
Assistant Secretary & C.P.I.O
CBSE, Regional Office,

Subject: Information solicited under Right to Information Act 2005 about teachers working with XYZ SCHOOL, ABC CITY

Sir / Madam,

It is respectfully stated that XYZ School is affiliated with CENTRAL BOARD OF SECONDARY EDUCATION.

Under the provisions of RTI Act 2005, Please furnish the following information by way of certified / attested copies, wherever relevant in the fallowing format about the teaching, Inspection, Official (i.e. accountant, Clerk ect.) staff of junior, middle, higher and senior wing working in said school.

Sr No Branch Name Name Father / Husband Name Job (official / Teacher) Subjects teaching in case of teacher Classes taking ie nursery or class 7, Qualification In hand Salary Drawn Working since (Month / year) Whether job is temporary or permanent (Prepare in Excel format)

The desired information required year wise from 2007 to till date on separate sheet

Details of payment of filing fees: Initial fee of Rs. 10/- in the way of Postal Order of Rs 10/- bearing serial number '_____ ' has been enclosed with application as prescribed under Right to Information Rules 2005 and Applicant is ready to pay processing fee (if any) required to furnish above said information.

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of my knowledge it pertains to your esteemed office in your statutory capacity as PIO u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act of your office / department.

Kindly provide me the name & designation of the officer who is providing this information along with the details of appellat authority along with name & designation, as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by post on the address mentioned below, within 30days (thirty days). As prescribed under the Right of Information rule /Act.

Thanking you,
Yours truly,

FOR CPIO LIST CBSC PLEASE VISIT :

<http://www.cbse.nic.in/welcome.htm>

For other please serch on google

35. RTI for Police (Evidences Varification)

To,

PIO
O/o DGP-State
Address

Name of the applicant: -----S/o -----

Residence address: -----Mobile No: -----

Details of payment of filing fees: Initial fee of Rs. 10/- in the way of Postal Order of Rs 10/- bearing serial number "-----" has been enclosed along with the application as prescribed under Right to Information Act /Rules 2005. Undersigned is ready to pay processing fee (if any) required to furnish said information.

Particulars of information required under RTI Act 2005 are as fallows:

1. Please provide certified copies of directions issued by you to SSP's, Women Cell, DA Legal to collect, verify and attach the evidences about the claims of expenses incurred on marriage, before and after marriage like the bills of purchase and receipts, cash flow, income tax returns, as mentioned in the complaint copy when they have done investigation and recommend FIR to be made against the persons accused u/s 498 A, 406, 506.
2. Please provide certified copies of directions issued by you to I/O to collect, verify and attach the evidences like the bills of purchase and receipts, cash flow, income tax returns as per the complaint copy before arguing in court for denial of anticipatory bail and seeking police custody of family members and main accused u/s 498 A, 406, 506 as dowry articles are not fully recovered.
3. Please let me know under which all sections of law, SSP, Women cell, DA Legal, SHO, and I/O can be punished if they have not collected , verified and attached evidences about the claims of expenses incurred on marriage, before and after marriage as made in the complaint copy and they register FIR u/s 498 A, 406, 506

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of my knowledge it pertains to your esteemed office in your statutory capacity as PIO u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act of your office / department.

Kindly provide me the name & designation of the officer who is providing this information along with the details of appellat authority along with name & designation, as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by post on the address mentioned below, within 30days (thirty days). As prescribed under the Right of Information rule /Act.

Thanking you,
Yours truly,

36. RTI for Police (Streedhan)

To,

PIO
O/o DGP-State
Address

Name of the applicant: -----S/o -----

Residence address: -----Mobile No: -----

Details of payment of filing fees: Initial fee of Rs. 10/- in the way of Postal Order of Rs 10/- bearing serial number "-----" has been enclosed along with the application as prescribed under Right to Information Act /Rules 2005. Undersigned is ready to pay processing fee (if any) required to furnish said information.

Particulars of information required under RTI Act 2005 are as fallows:

1. Please provide me certified copies regarding latest guidelines , circulars issued by you to SSP's, SHO regarding investigating and verifying the claims of the complainant about Streedhan in 498 A , 406 , 506 cases
2. Please let me know if the I/O can refuse to accept the Streedhan articles which the accused brings to deposit in the police station where FIR is registered?
3. Please let me know if the I/O can refuse to accept the Streedhan by the accused if the complainant refuses to sign and accept the same.
4. Please let me know if the I/O can refuse to issue the receipt of the Streedhan deposited in the police station by the accused?
5. Please let me know if the I/O can deny in the court while getting bail for accused, parents, and relatives as dowry articles not fully recovered if Streedhan has been deposited in the police station and the I/O has not got any bills, evidence from the complainant about the Streedhan list attached in the original complaint?

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of my knowledge it pertains to your esteemed office in your statutory capacity as PIO u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act of your office / department.

Kindly provide me the name & designation of the officer who is providing this information along with the details of appellant authority along with name & designation, as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by post on the address mentioned below, within 30days (thirty days). As prescribed under the Right of Information rule /Act.

Thanking you,
Yours truly,

37. RTI for obtaining information from private companies

To
Public Information Officer,
Address line 1
Address line 2
City, State.

1. Name of the Applicant:

2. Address with Phone Number:

3. Particulars of the Information Required:

Please provide information as per below list related to M/s.XXXX Ltd, (BSE Code: XXXX, Company CIN : XXXXXXXXXXXXXXXXXX) having registered office at ADDRESS by obtaining information from the said entity under Section 2 [f] of RTI Act 2005, which is reproduced here under for your kind reference:

Section 2 [f] "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

Please provide the following details of XXXXXX S/o YYYYY, who is working as DESIGNATION in DEPARTMENT of XXXXX Ltd, ADDRESS and residing at ADDRESS, with relevant documents copy.

1. Date of joining on the services with XXXX Ltd.

2. Pay scale details with break up.

3. Details of promotion and departmental enquires on him, if any

4. Details of his official visits to Chennai from Aug 2005 to Mar 2009, with dates and purpose of the visit.

5. Total amount paid to him as travel expenses, boarding expenses and Incidental expenses during the period from ----- to -----.

6. Number of leaves he had taken during the period from ----- to -----, with dates.

4. Details of payment of application fee:

Non-judicial court fee stamp of Rs.10/- is affixed herein as fee.

Yours trully,

38. RTI for 498a FIR Day wise

To,

PIO
O/o DGP-State
Address

Name of the applicant: -----S/o -----

Residence address: -----Mobile No: -----

Details of payment of filing fees: Initial fee of Rs. 10/- in the way of Postal Order of Rs 10/- bearing serial number "-----" has been enclosed along with the application as prescribed under Right to Information Act /Rules 2005. Undersigned is ready to pay processing fee (if any) required to furnish said information.

Particulars of information required under RTI Act 2005 are as fallows:

1. Please let me know the about the FIR registered under section 498 A,323, 406, 506 and 3/4 of D.P.Act against dowry seekers at XYZ CITY and provide the information from 2008 to till date of disposal of this application in fallowing format :

Year -2008 Total No of Male Total No of Female

S.No Month i.e Jan, Mar,Dec Date Fir No Section Above 18 Years Below 18 years Above 18 years Below 18 years

2. Please let me know the about the of FIR registered under section 3 of D.P.Act against dowry givers at XYZ CITY and provide the information from 2008 to till date of disposal of this application in fallowing format :

Year -2008 Total No of Male Total No of Female

S.No Month i.e Jan, Mar,Dec Date Fir No Section Above 18 Years Below 18 years Above 18 years Below 18 years

It is submitted that the above information sought does not fall within the exemptions U/S 8 of RTI Act, 2005 and to the best of my knowledge it pertains to your esteemed office in your statutory capacity as PIO u/s 5 (1) of RTI Act read with 5(4) and 5(5) of the RTI Act, 2005.

Applicant may be supplied information under proactive disclosure under section 4 (1) (b) of RTI Act of your office / department.

Kindly provide me the name & designation of the officer who is providing this information along with the details of appellant authority along with name & designation & full address as there is every apprehension that the information being provided to me will not be relevant and will be misleading.

Further it is requested that the applicant (a citizen of India) would like to receive the above said information by post on the address mentioned below, within 30days (thirty days). As prescribed under the Right of Information rule /Act.

Kindly arrange to provide above information by speed / registered post at below mentioned address

Thanking you,
Yours truly,

39. RTI information pertaining to private entity

You can get information pertaining to private entity [private schools, colleges, coop societies/banks, private sector banks and insurance companies, public/private trusts, private service providers, public limited companies etc under section 2 [f] of RTI Act. Please follow this procedure.

1. Find out the government dept or government regulator with which the private entity is registered or is being controlled or monitored. For example trusts are reporting to Charity Commissioner of the area, mobile service providers to TRAI, private banks to RBI, insurance companies to IRDA, public limited companies to SEBI and Registrar of Companies. Coop Societies/banks report to District Registrar of Cooperative Societies. Schools are controlled by Dist. Education Officer and colleges by university. Majority of private bodies are controlled by one or the other govt. dept/regulator.
2. Locate PIO of this government dept/regulator, by visiting concerned website .
3. File application by referring to RTI Rules for format and fees applicable to central govt. [for central govt. dept/regulator like RBI, IRDA, TRAI, SEBI, ROC etc] or concerned state govt. [if department pertains to a state govt].
4. Add following as query:

Particulars of information required:

Please provide me information as per annexed list relating to _____ having Head/Main office at _____ from your records and also by obtaining from the said entity under section 2 [f] of RTI Act 2005, which is reproduced here under for your kind reference:

(f)"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

5. Attach list of information required by you as annexure to application.
6. You need not contact the private entity whose information is being sought. Now you are concerned with the govt. dept/regulator only and its PIO has to provide you the information sought by you.
7. Govt. departments or regulators can summon information under different laws from private bodies and the same has to be supplied to you.
8. Information barred by sections 8 & 9 of RTI Act cannot be accessed under section 2 [f] also.

40. Source : <http://rtitemplatesfor498a.blogspot.in/>