

## Central Information Commission

Room No. 305 B-Wing, August Kranti Bhawan,  
Bhikaji Kama Place, New Delhi – 110066  
Tel No: 26167931

Case No. CIC/SS/A/2012/000395  
Dated: 17.5.2012

Name of the Appellant : Shri S.P. Gupta  
(The appellant was not present).

Name of the Public Authority : Ministry of Home Affairs (Security)  
New Delhi.  
Represented by Shri Dushyant Singh,  
C.S.O, Mrs. Harcharan Kaur, U.S.

The matter was heard on : 17.5.2012

### **ORDER**

Shri S.P. Gupta, hereinafter known as the appellant filed an application dated 6.6.2011 under the provisions of the RTI Act, 2005, seeking to know therein the action taken by the Ministry on the application of Dr. Praveen Gupta for issue of non-official photo pass/Identity Card. He also wanted the name, organization and mobile number in respect of persons to whom MHA Photo Pass has been issued since the year 2009 as well as the basis on which the MHA issued the non-official photo pass/Identity Card. The appellant has filed the present appeal before the Commission on the grounds of deemed refusal by the respondent to provide him requisite information in reply to aforementioned RTI application.

During the hearing the respondent submits as follows in a written submission:-

“In 2009, a request was received for issue of Identity Card/Photo Pass to Dr. Praveen Gupta, Pr. Secretary, Indian Newspaper & Journalist Society. As

per existing guidelines MHA Non-Official Identity Card/Photo Passes are issued to Senior Most office bearers of reputed public limited companies, National level confederation/association of industries, national level sectoral association, NGOs and National level institutions. Since the case was not covered under any guidelines for issue of Identity Card, the applicant was asked to apply for PIB Card issued by PIB, Ministry of I & B. The PIB cards are issued to Correspondents by the Press Information Bureau. In order to facilitate their access to the Government Building under MHA Security Cover, their PIB Card are accredited by MHA.

However in October 2010, Indian Newspaper & Journalist Society applied again for MHA Non-Official Identity Card/Photo Pass for Dr. Praveen Gupta.

The application was examined in the light of the following guidelines for issue of Non-Official Identity Card/Photo Pass.

- (i) Senior most office bearers of the national level confederations/ associations of industry, trade of commerce, such as CII, FICCI etc.
- (ii) Senior most functionaries of national-level sectoral associations/ confederation.
- (iii) Senior most office bearers of national level and renowned NGOs.
- (iv) Executive Chairmen/President of Highly reputed national-level institutions.
- (v) Chairmen/MDs/CMDs of reputed public Limited Companies.

Since the case was not found to be covered under the above guidelines for issue of such a pass. A reply was sent accordingly.”

In so far as the reply to the RTI application of the appellant is concerned, the respondent submit the nature of queries at Sl. No. 1 to 4 of RTI application are in the nature of queries prefixing why and what was not replied to since such queries do not come within the ambit of section 2(f) of the RTI Act. However on point No.5 of the application wherein the appellant requested for the name, organization and mobile numbers in respect to whom MHA has issued photo pass since the year 2009 is concerned, the appellant was requested to obtain the information after deposit a sum of Rs.20/- as information was contained in 10 pages, which the appellant failed to do. Hence they have not been able to provide this information to the appellant. In respect of query No. 6, wherein the appellant had asked for the basis on which the MHA have been issued the Photo Passes, the respondent requested the appellant to deposit requisite fee for obtaining copies of the guidelines which also the appellant had failed to do.

Having perused the relevant documents and considered the submission of the parties, the Commission is of the view that at Sl. Nos. 1 to 4 of RTI application the appellant had sought to know about the action taken by the respondent on the application of Dr. Praveen Gupta for issue of Photo Pass/Identity Card by MHA and the reasons for non-issue of the pass to Dr. Praveen Gupta. As per provisions of the RTI Act, 2005, information held by the Public Authority in material form has to be provided to the information seeker, unless such information is denied under one of the exemption provisions of the RTI Act. Simply because the appellant has prefixed his query with why and what does not debar him for receiving information, which is admittedly a part of the record held by the respondent. The Commission therefore directs the CPIO to provide the action taken on appellant's RTI application for issue of non-official photo pass as well as the reasons for rejection of application, as per record. The directions of the Commission are to be complied with within 10 days of receipt of this order. In so far as query at Sl. No. 5 & 6 are concerned, the appellant has already been requested to collect the information after depositing requisite fee.

In case the appellant wishes to obtain this information he may obtain it from respondent after depositing the requisite fee.

The matter is disposed of on the part of the Commission with above directions/observations.

Sd/-  
**(Sushma Singh)**  
Information Commissioner

Authenticated true copy:

**(D.C. Singh)**  
Deputy Registrar

**Copy to:**

1. Shri Satya Prakash Gupta,  
No. BU-29, DDA Market,  
Pitampura, Delhi – 110034.
2. The C.P.I.O.  
The Director SSO,  
Ministry of Home Affairs,  
North Block, New Delhi – 110001.
3. The First Appellate Authority,  
The Joint Secretary (PC&PG),  
Ministry of Home Affairs,  
North Block, New Delhi – 110001.