

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SG/A/2011/002289/15947
Appeal No. CIC/SG/A/2011/002289

Relevant facts emerging from the Appeal:

Appellant : Mr. Rayeeca M A Khadir (Advocate)
H.No:274/3RT, Vijay Nagar Colony,
Hyderabad – 500057.

Respondent : Mr. Bidhi Chand
PIO & DPO,
Ministry of External Affairs (CPV Division),
O/o The Chief Passport Officer,
Patiala House Annexe,
New Delhi-110001.

RTI application filed on : 05-05-2011
PIO replied on : 16-05-2011
First Appeal filed on : 01-07-2011
First Appellate Authority order of : 29-07-2011
Second Appeal received on : 16-08-2011

Information Sought:

- I)** It is requested to provide information with regards to parameters on which Police is supposed to enquire pertaining to an Ordinary International Passport applicant.
- II) 1)** On reading Personal Particulars form attached to any given passport application, it says regarding i) Name of Applicant ii) Sex of the Applicant iii) Change of name of the applicant, if any. iv) Date of birth of the applicant v) Profession of the Applicant vi) Applicant's Father's name, Mother's name and Spouse name. vii) viii) & ix) Regarding addresses of the Applicant x) References xi) Citizenship status of the applicant xii) Details of previous passport of the applicant, if any.
- 2) 1)** Regarding Point (i) of sub para (1) of para II, it is name of the applicant and therefore it is under stood as the applicant is known by that name in the society. .
- 2)** Regarding Point (ii) of sub para (1) of para II , it is sex of the applicant and therefore it is under stood as per the appearance of the applicant in the society or as per his I her acquaintance as such, unless and until the applicant calls himself / herself to be otherwise such as Eunuch, Transgender or what ever it may be.
- 3)** Regarding Point (iii) of sub para (1) of para II , his change of name of the applicant and gazette publication is the proof of the same
- 4)** Regarding Point (iv) of sub para (1) of para II , it is date of birth of the applicant and Certificate to that effect, if born after 1989 AD or declaration if born prior to 1989 AD is the proof.
- 5)** Regarding Point (v) of sub para (1) of para II , it is the profession of the applicant and required certificate is the proof or if a customary professional such Carpenter, barber, washer man, Priest in a Church, Pujari of Temple, Imam of a Mosque, Teacher in Religious discourses, declaration to that effect or acquaintance in the society by such profession is the proof.
- 6)** Regarding Point (vi) of sub para (1) of para II, it is name of the parents and spouse of the applicant and therefore it is under stood as they are known by that name in the society.

7) Regarding Point (vii to ix) of sub para (I) of para 11 , it is the address of the applicant and therefore it is point to be enquired by the Police rather than depending on Ration Card, election ID, Bank passbook because ration card / election ID are issued once in five (5) years and when an applicant changes his address after two (2) years of issue of the Ration card I election ID, the address mentioned in the ration Card I election ID does not tally with the addresses mentioned in the Personal Particular Form of any given passport application form of the applicant

Similarly due to online banking on par with any branch within India, the address mentioned in the bank passbook also does not tally with the addresses mentioned in the Personal Particular Form of any given passport application form of the applicant.

8) Regarding Point (x) of sub para (1) of para 11 , it is the references of the neighbours which is under stood because all real neighbours are supposed to know each other a4 it is under stood accordingly.

9) Regarding Point (xi) of sub para (I) of para II , it is the citizen ship status of the applicant and it is understood by way of dwelling, if a born citizen or documentary proof if a naturalized or registered citizen.

10) Regarding Point (xii) of sub para (1) of para II, those are the details of previous passport of the applicant and it a matter of record of the given applicant.

Therefore it is requested to provide information justifying with regards to demand of documentary proof of residence pertaining to discussion held at Para(II) (2) (7).

III 1) It is requested to provide information with regards to time limit within which Police is supposed to verify the details of any given passport applicant.

2) If the Police does not submits its report of clearance pertaining to any given passport applicant within reasonable time.(say about six months), what is the procedure with regards to issue of passport to any given passport applicant.

IV) 1) Section III of the Passport Information Booklet deals with column wise guidelines for filling up the application form.

2) Column 15 of section III says with regards to Non affixing of ECR (Emigration Check Required) stamp on the Passport of the persons mentioned therein.

3) Sub Column “ d “ of above said Column 15 says that among several others mentioned in sub column “ d “, Teachers, Scientist, Advocates etc are eligible for non affixing of ECR Stamp on the Passport.

Therefore it is requested to provide information with regards what is etc (etcetera)

- V) 1) The Priest in Church,
2) Pujaris in Temple,
3) Imam of Mosques,
4) Teachers in religious discourses such as
5) Shankaracharyas,
6) Pitha di Patis,
7) Persons who memorized Holy Qoran / Hafiz e Qoran
8) Theologist such as Aalims and Mufti's

are also entitled for non affixing of Emigration Check Required (ECR) stamp on their respective passport.

Therefore it is requested to provide information with regards to circulation of guidelines to the all Regional Passport Officer stating not to affix ECR stamp on the passports of the para{V} persons. .

The PIO reply:

1. Shri Rayecee M A Khadir seeking information regarding circulation of guidelines to all Regional Passport Officers stating not to affix ECR stamp on the passports of the para (v) persons and related matters.
2. As the subject matter is more closely connected to the functions of CPV Division, the above mentioned application is transferred to them under Section 6 (3) (ii) of RTI Act 2005 for further necessary action in the matter.

Grounds for the First Appeal:

Unsatisfactory reply was given to the appellant by the PIO.

Order of the First Appellate Authority (FAA):

“The CPIO has already replied to the RTI application (copy of CPIO’s reply dated 11.07.2011 enclosed), no further action on this appeal is required”.

Ground of the Second Appeal:

Unsatisfactory information had been provided by the PIO.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Mr. Rayeeca M A Khadir (Advocate) on video conference from NIC-Hyderabad Studio;

Respondent: Mr. P. Roychaudhuri, Advocate representing Mr. Bidhi Chand, PIO & DPO;

The Appellant states that he has not got information justifying the reasons for demand of documentary proof of residence. The PIO has provided information available on the records the Appellant is also seeking justification and details of the terms “etc” used in the ECNR Stamp. The PIO has stated that there is nothing on the record.

Decision:

The Appeal is disposed.

The information available on the records has been provided.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
25 November 2011

(In any correspondence on this decision, mention the complete decision number. (BK)