Date: 9.2.24 / 23.1.24

59- 56-27/ SR. PI marine Drive/ non compliance of section 7(8)(i), 19(5) RTI act First appeal hearing/ Prosecution Porwal – Jawale 16.6.23 folder and file

From

Kamlakar Shenoy **(Alert senior citizen aged 66 years)**

Mob: 9870987359.

To,

Smt Savita Jawale ( FAA)

Cc

Marine drive police station

DCP zone 1

Addl CP south region

All Information Commissioners

Respected sirs,

I am in receipt of the letter dt. 29.1.23 posted on 6.2.24 and received by me on 8.2.24.

I humbly submit as under:

1. **the earlier two videos are proof of**
2. **My sincerity in my duty. And there is no question of misuse of the video. The videos are on FB and tweeter as well as social media as awareness of citizen right to video record the meeting with any public servant.**
3. **the incompetency and dishonest intentions of the PIO and FAA.**
4. **Hence you ( i.e. FAA) is afraid to face the citizens out of fear of being further exposed of blatant failure by you to discharge your duty.**
5. **PIO, FAA and information commissioners in the office of Information commissioners are blatant violators of almost every provision of law and committing miscarriage of justice. (ready for public debate with any of the information Commissioners to be posted in public domain)**

**Details of violations and disobedience committed by PIO and FAA**

1. The PIO and FAA as well as the most of Information Commissioners have throttled the purpose and spirit of RTI act with their inefficiency and lack of vison and lack of devotion and sincerity to reduce the back log.
2. **The office of Information commissioners failed and lacked competency to use latest innovative systems and by not promoting public participation. Video recording of the proceedings and meetings shall expose the corrupt practices as well as the dishonest intentions to not implement the below mentioned mandatory requirement of law and create evidence for criminal prosecution against these two ladies as well as all the State Chief Information Commisioners, have failed to comply with directions of section of**
3. **RTI section 4(1)(b)(ii),(iii),(iv),(v),(xiv) (C )(d)**
4. **RTI section 7(8)(i): PIO shall provide reasons for denial of information. Not only the grounds.**
5. **RTI section 19(5): PIO written submission on the appeal to be provided to the appellant.**
6. **RTI section 8 J : provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.**

**Section 4 (b)(i)(d) RTI act: provide reasons for its administrative or Quasi-Judicial decisions to affected persons. i.e. how video recording shall adversely affect the transparency and accountability.**

1. In the appeal memo I have asked for procedure followed to come to conclusion, clarification and reasoning to deny the video recording. **(Section 4(1)(b)(ii),(iii),(iv),(v),(xiv) (C )(d) and section 7(8)(i) RTI act.**
2. However, no reasoning and explanation is provided.
3. The administrative decision shall be taken by giving reasoning. Which appears to be blatantly violated.
4. **The FAA and PIO of SCIC are considered to be saviors of RTI act. In practice it appears that these are destroyers of RTI. These saviors appointed by paying salaries from tax payer monies and unfaithful to citizen’s / tax payers and deprive the citizens the information which is intellectual property held by these public servants which can be used for creating better citizens who in turn shall promote transparency and accountability.**

**Now I shall deal with the false allegation levelled in letter dt. 29.1.24 which is the intimation of the first appeal to be held on 15.2.24 at 12.30 noon.**

1. **Allegations no. 1** : Mr. Shenoy and his associates are regularly forcing video recording during the hearing of first appeal. PIO and FAA are both ladies. Hence, misuse of the video recording cannot be denied.

**My Submission:**

1. FAA has made incorrect submission that I insist upon video recording. In fact, I have video recorded the hearing and have posted in Tweeter, face Book and also sent mail to the PIO and FAA as well as all Information Commissioner. However, no complaints were made about misuse of the video recording till today.
2. I have been exercising my legal right to video record the meeting and proceedings conducted with public servants. Hence, exercising his right by any citizen cannot be objected by ay public servant. Nor does it amount to obstruction in discharge of duty by any citizen. **( refer Judgement of J & K High Court CRMC 100 of 2016 )**
3. **I have had very cordial relationship with PIO Smt Shilpa Deshmukh and she calls me her brother**. Hence, the motive and intention of video recording is pure and honest.
4. **Therefore, Smt Jawale shall be put to strict proof for making a defamatory statement without substantial evidence and shall be liable for prosecution under the relevant law**
5. **Allegation no. 2**: Shenoy has been regularly filing RTI application and appeals and filing police complaints against State Chief Information Commissioner, State information commissioners, First Appellate authority ( FAA) and public information Officers ( PIO). Further he objects and is filing complaints against all orders passed and working of the Commission. Filing of police complaints is affecting the physical and mental health.

**My submission**: The FAA shall explain what illegal activity has been done by me by carrying out the above acts as alert citizen. How a legal act committed can cause mental and physical health issues if you are an honest public servant? This proves that you have miserably failed to discharge your duty and is incompetent and do not deserve to carry out these esteem duties.

1. **Allegation no. 3;** Regular complaints to police station is creating a situation of terrorism in the office. Hence, requested to give protection**.**
2. Allegation no. 4: Shenoy has filed complaint against the office order dt. 20.10.23 denying any citizen right to video record. However, Mr. Shenoy has filed complaint against this order.

**My submission**

1. How can filing of police complaint in cognizable offences committed by the staff of Information Commissioner office be called act of terrorism.
2. **Refer Article 51 of the constitution** **citizen has duty to expose corruption of senior public servants):**  the Hon. Delhi High Court in their judgment in Aniruddh Bahal v/s State of Delhi has cleared stated that it is duty of citizen to expose higher level public servants who are corrupt.
3. **Therefore, Smt Jawale shall be put to strict proof for making a defamatory statement without substantial evidence and shall be liable for prosecution under the relevant law**
4. **Refer Karnataka HC order dt. 23.8.22 W.P. 16625 of 2022, no grievances can be kept pending indefinitely:** I have issued show cause notice dt. 13.11.23 to all the above staff for passing illegal direction. However, the grievances are kept pending indefinitely. **Violation of regulation 10 of delay in discharge of duty act 2005.**
5. **AIR 2013 SC 1834 2013 and AIR SCW 1578:** Getting information is fundamental right of every citizen.
6. **Article 51 A:** duty of citizens being good citizens is the best contribution for development of nation (Madras High Court).
7. Filing of complaint and initiating prosecution against illegal acts is right of every alert citizen
8. **Refer Bombay High order I W.P. 4181 of 2018 by Justice Sunil Shukre and Justice M.M.Sathaye:** filing of complaint and raising issues for bonafide clause cannot be said to cause obstruction to discharge of duty.
9. I repeat that video recording of meeting and proceeding is right of every citizen. I have explained how the direction u/s 15(4) RTI act is illegal act as the Information commissioner cannot be legislatures to pass and amend new laws as per the order of Bombay high Court **( as the Information commissioners have no legal authority to frame laws which are against the larger public interest**).
10. The directions are contrary and violating the direction of Bombay high Court direction as well as the direction of Hon. Supreme court to promote transparency and accountability.
11. Hence my complaint for registering FIR. Marine drive police have failed and is liable for prosecution u/s 166 (a)(b) IPC.
12. The PIO and FAA have not dared to provide written submission as mentioned in para 3, herein above, as they are seized with knowledge that they have miserable and have blatantly / willfully violated / failed to discharge their duties as well as they were not honest and devoted to their duty.

**Please educate me my submission is incorrect.**

**Jai hind**

**Citation attached**

**1. scope of 15(4)**

**2. Bombay HC judgement video recording is right of citizen,**

**3. administrative decisions shall be with reasoning**

**4. IPC 353 cannot be applied on citizens who exercise their rights**

**5. Article 51 of constitution empowers citizens to expose the corrupt public servants**

**6. Police department circular video recording of meeting with public servant is not illegal and cannot be denied.**

**without prejudice to my rights and contentions i have also sought protection from Marine drive police station too. i met SR PI Marine drive police station on 9.2.24 and discussed the issue of video recording and the wild allegation by Savita Jawale without any supporting evidence.**

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