

SAKET GOKHALE

30th November, 2020

To,
Sh. Durga Shanker Mishra,
Secretary, Ministry of Housing & Urban Affairs,
Nirman Bhawan, New Delhi

Copy to: Sh. Hardeep S. Puri, Hon'ble Minister of State (I/C), Ministry of Housing & Urban Affairs

NOTICE

URGENT: regarding removal of personal details of RTI applicants from the website of Ministry of Housing & Urban Affairs in accordance with directions of the Hon'ble Kolkata High Court & Office Memorandums issued by the Department of Personnel and Training in 2016

This is to bring to your urgent notice the glaring and shocking negligence of your ministry in publishing the personal details of RTI applicants on the website of the Ministry of Commerce.

Your attention is drawn to the following 3 orders:

1. Order of the Hon'ble Kolkata High Court dated 20/11/2013 in WP 33290/2013 in the matter of Avishek Goenka vs. Union of India where the Hon'ble Court directed that personal details of RTI applicants shall NOT be disclosed if it doesn't serve any public interest (attached herewith as **ANNEXURE P-1**)
2. Office Memorandum F No. 1/1/2013-IR of the Department of Personnel & Training dated 07/10/2016 circulated to all ministries of Govt of India directing that personal details of RTI applicants including name, address, designation, email id, and telephone number shall NOT be disclosed as they do not serve any public interest (attached herewith as **ANNEXURE P-2**)
3. Order of the Hon'ble Bombay HC in WP(L) No. 2678/2020 dated 05/11/2020 in the matter of Saket S Gokhale vs Union of India where the Hon'ble Court has directed the Secretary, Ministry of Information & Broadcasting, to conduct a time-bound probe in the matter of disclosing personal information of RTI applicants on its website (**attached herewith as ANNEXURE P-3**)

The disclosure of personal details of RTI applicants, as can be seen from the above orders, is not only a gross violation of the law but also an act that is in contempt of orders issued by Hon'ble High Courts.

It is absolutely unfathomable why this was done by your ministry despite the 2014 OM of the DoPT quoting the Hon'ble Kolkata High Court orders and despite the 2nd OMs of DoPT from 2016 clearly forbidding ministries from disclosing personal details of RTI applicants.

Through the Ministry of Housing & Urban Affairs website, the personal details of RTI applicants including their names, addresses, phone numbers etc can be publicly accessed through a Google Search.

You're asked to visit the following web link to see this act of gross negligence, disregard for DoPT OMs & contempt of court for yourself:

<https://bit.ly/2VjiRJo>

This link provides search results for at least 206 files of RTI responses where the personal details of applicants such as their name, address, phone number and other private data has been leaked by your Ministry in complete disregard for court orders and DoPT OMs causing a massive violation of the Right to Privacy guaranteed under Article 21 of the Constitution of India as observed by the Hon'ble Supreme Court of India.

A copy of some of these PDF files available on your website with the personal details of RTI applicants have been attached here as **ANNEXURE P-4**

This is a matter of immense concern and shock and, prima facie, is grounds for a writ petition against your Ministry.

You're, therefore, required to:

- A. Immediately remove or redact the PDF files containing personal details of RTI applicants from the Ministry of Housing & Urban Affairs website in accordance with the directions and guidelines of Hon'ble High Courts as well as the Office Memorandum of DoPT dated 07/10/2016
- B. Institute an enquiry into this massive lapse and negligence by your Ministry in publishing these personal details, issue show-cause notices, and take appropriate action against the officials responsible

C. Inform the complainant within a **maximum of 7 days from the receipt of this notice** about the action taken on this matter

May this letter be treated as a notice to fulfil the above 3 actions within the specified time-bound period failing which the complainant shall have no option but to approach the Hon'ble judiciary through a Writ Petition/Contempt Petition against the mass violation of Right to Privacy under Article 21 of the Constitution of India by your ministry in ignoring the DoPT's OM as well as orders of the Hon'ble Kolkata High Court and seek appropriate directions.

It is anticipated and hopes that this issue will be taken up with the utmost urgency and the complainant shall be informed of the action-taken as soon as possible within the stipulated time- frame.

The complainant awaits your prompt and urgent response to this on the contact details listed below.

Regards,

Saket Gokhale

10
ns20.11.
2013

W.P. 33290(W) of 2013

Mr. Avishek Goenka petitioner (in person).

Mr. Asish Kumar Roy,
Ms. Gargi Mukherjee For the respondents.

The petitioner is appearing in person.

The writ petitioner claiming to be an activist in the field of right to information, has approached us by filing the present writ petition with the prayer, the authority should not insist upon the detailed address of the applicant as and when any application is made under the Right to Information Act. He apprehends, the interested parties would cause a threat to the activist and in fact there had been past incidents of unnatural deaths of activist in the field, presumably by the interested persons having vested interest to conceal the information that is asked for by the activist.

The petitioner submits, the authority may not insist upon the detailed address particularly when the applicant would provide a particular post box number that would automatically conceal their identity to the public at large.

We have considered the relevant provisions of the statute. Section 6(2) of the Right to Information Act, 2005 would clearly provide, an applicant making request for information **shall not be** required to give any reason for requesting the information or any other **personal details** except those that may be necessary for contacting him.

Looking to the said provision, we find logic in the submission of the petitioner. When the legislature thought it fit, the applicant need not disclose any personal detail, the authority should not insist upon his

detailed whereabouts particularly when post box number is provided for that would establish contact with him and the authority.

In case, the authority would find any difficulty with the post box number, they may insist upon personal details. However, in such case, it would be the solemn duty of the authority to hide such information and particularly from their website so that people at large would not know of the details.

We thus dispose of this writ petition by making the observations as above. The Secretary, Ministry of Personnel should circulate the copy of this order to all concerned so that the authority can take appropriate measure to hide information with regard to personal details of the activist to avoid any harassment by the persons having vested interest.

The writ petition is disposed of without any order as to costs.

Urgent certified copy of this order, if applied for, be given to the parties, on priority basis.

(Banerjee, Acting Chief Justice)

(Debangsu Basak, J.)

ANNEXURE P-2

F.No. 1/1/2013-IR
 Government of India
 Ministry of Personnel, Public Grievances and Pensions
 Department of Personnel and Training

North Block, New Delhi
 Dated the 7th October, 2016

OFFICE MEMORANDUM

Subject:- Uploading of RTI replies on the respective websites of Ministries / Departments

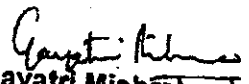
Attention is invited to para 1.4.1. of the enclosed guidelines referred to in this Deptt.'s O.M. No.1/6/2011-IR dated 15.04.2013, for implementation of suo-motu disclosure under Section 4 of the RTI Act, 2005, which states as follows:-

"All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest."

2. Further vide O.M. No.1/1/2013-IR dated 21.10.2014 on the issue of uploading of RTI replies on the respective websites of Ministries / Departments, DoPT had requested that:

"RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, if they do not serve any public interest".

3. Now, keeping in view the directions dated 20.11.2013 of Hon'ble High Court of Kolkata in Writ Petition No.33290/2013 in the case of Mr. Avishek Goenka Vs Union of India regarding personal details of RTI applicants, it is clarified that while proactively disclosing RTI applications and appeals received and responses thereto, on their website, the personal details of RTI applicant/appellant should not be disclosed as they do not serve any public interest. It is further clarified that the personal details would include name, designation, address, e-mail id and telephone no. including mobile no. of the applicant:


 (Gayatri Mishra)
 Director (IR)
 Tele:23092755

To

All Public Authorities

✓ AHC to place on DoPT website.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2678 OF 2020
WITH
INTERIM APPLICATION (L) NO. 4436 OF 2020

Saket S. Gokhale,
S/o. Suhas Gokhale,
502, Viral, Sai Krupa Complex,
Kashimira, Mira Road (E),
Thane- 401107,
Maharashtra.

... Petitioner.

V/s.

The Union of India
Through Secretary,
Ministry of Information and Broadcasting,
Govt. of India, Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi- 110001.

... Respondent.

Mr.Saket Gokhale, Petitioner in person.

Mr.Rui Rodrigues with Mr.D.P.Singh for the Respondent.

**CORAM : NITIN JAMDAR AND
MILIND JADHAV, JJ.**

Date : 5 November 2020

JUDGMENT: (Per Nitin Jamdar, J.)

Rule. Rule made returnable forthwith. Respondents waive service. Taken up for disposal.

2. The Petitioner is a former journalist who now takes up social and public causes. On 27 October 2019, the Petitioner had applied under the Right to Information Act, 2005 to the Ministry of Youth and Sports Affairs, Government of India seeking details regarding a campaign launched by the Government of India. On 27 November 2019, the Ministry of Youth and Sports Affairs transferred the application of the Petitioner to the Ministry of Information and Broadcasting.

3. The Petitioner instituted court proceedings on some sensitive social issues. Petitioner received phone calls and threatening messages on his personal phone. A mob gathered outside his residence chanting slogans. Petitioner noticed that the Ministry of Information and Broadcasting had uploaded the application filed by the Petitioner on its website with his personal details such as address and telephone

number. The website link of the Ministry of Information and Broadcasting being accessed by internet search engines, his personal details became available on the internet. The Petitioner filed this petition on 3 August 2020 for a direction that the Petitioner's personal details be removed from the website of the Ministry of Information and Broadcasting. The petitioner also sought damages for the mental agony.

4. On 3 September 2020, the petition was adjourned to enable the Petitioner to give notice to the Respondent. On 10 September 2020, Respondent- Ministry did not appear in the hearing. One more notice was given to the Respondent. On 25 September 2020 and 8 October 2020, the petition was adjourned at the request of the Respondent. A reply affidavit was filed by Mr. Unmana Sarangi, Deputy Director (EW), Ministry of Information and Broadcasting. It is stated that the Petitioner's personal data was removed from the website from 1 August 2020.

5. The Petitioner responded that though the Petitioner's personal details were stated to be removed on 1 August 2020, the details continued to be on the website till 14 September 2020. He submitted that because his personal details were uploaded by the Respondent- Ministry in the public domain, it was accessed by antisocial elements who threatened him causing harassment and

trauma. Petitioner submits that despite office memorandums the Ministry has uploaded the personal details singling him out because he has taken up various sensitive social causes.

6. During the hearing on 15 October 2020, the learned Counsel appearing for the Ministry had accepted that the Department of Personnel and Training had issued a memorandum on 7 October 2016, specifying that the personal details of the applicants under Right to Information Act should not be put up on the website. He stated that however, this memorandum did not reach the Ministry of Information and Broadcasting, and with its knowledge, corrective action was taken. He had submitted that it is not that only petitioner's details were put up on the website. However, from the reply, we found no details as to when the memorandums came to the knowledge of the Ministry. Secondly, no particulars were given whether in all the applications filed the personal details of all the applicants were put up on the website. Recoding this, we had acceded to the request of the Ministry to file an additional affidavit. An additional affidavit is filed by Mr. Sarangi Deputy Director dated 27 October 2020.

7. The Right to Information Act, 2005 was brought in force in June 2005. Section 6 governs the procedure for applying under for information under the Act. A person, who desires to obtain any information under the Act has to make a request in writing or through

electronic means with prescribed fees to the designated authority. The application has to specify the information sought for. Section 6(2) specifies that an applicant requesting information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

8. In the case of *Mr. Avishek Goenka v. Mr. Ashish Kumar Roy*¹, one Mr. Goenka claiming to be an activist in the field of Right to Information, had approached the Calcutta High Court with the contention that the authority should not insist upon the detailed address of the applicant under the Act of 2005 as and when an application is made under the said Act. He had apprehended that those persons having vested interest to conceal the information asked for by the activist, would cause a threat to the activist and there had been past incidents of unnatural deaths of the activists in the field, presumably by the interested. The Division Bench considered section 6(2) of the Act of 2005 and held that it would be the duty of the authority to hide such details and particularly from their website so that people at large would not know of the details. On 20 November 2013, the Court passed the order accordingly, and the Secretary, Ministry of Personnel was directed to circulate the copy of the order to all concerned so the authority can take measure to hide personal details of the activists to avoid any harassment by the persons having vested interests.

1 W.P.No.33290(W) of 2013 decided by Calcutta High Court on 20 November 2013

9. Thereafter office memorandums were issued by the Ministry of Personnel, Government of India on 21 October 2014, 23 March 2016 and 7 October 2016. The office memorandum dated 7 October 2016 is relevant, which reads thus:

“OFFICE MEMORANDUM

Subject:- Uploading of RTI replies on the respective websites of Ministries / Departments

Attention is invited to para 1.4.1. of the enclosed guidelines referred to in this Deptt.'s O.M. No.1/6/2011-IR dated 15.04.2013, for implementation of suo-motu disclosure under Section 4 of the RTI Act, 2005, which states as follows:

“All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on keywords, RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.”

2. Further vide O.M. No.1/1/2013-IR dated 21.10.2014 on the issue of uploading of RTI replies on the respective websites of Ministries / Departments, DoPT had requested that:

"RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, if they do not

serve any public interest”.

3. Now, keeping in view the directions dated 20.11.2013 of Hon'ble High Court of Kolkata in Writ Petition No.33290/2013 in the case of Mr. Avishek Goenka Vs Union of India regarding personal details of RTI applicants, it is clarified that while proactively disclosing RTI applications and appeals received and responses thereto, on their website, the personal details of RTI applicant/appellant should not be disclosed as they do not serve any public interest. It is further clarified that the personal details would include name, designation, address, email id and telephone no. including mobile no. of the applicant."

The above memorandum, thus, refers to the order passed by the Calcutta High Court and directs that personal details of RTI applicants such as name, designation, address, email-id and telephone/mobile number should not be disclosed. This office memorandum was sent to all the public authorities. The legal position is thus clear that personal details of the applicant under the Act of 2005 should not be uploaded on the website.

10. The learned Counsel for the Ministry, taking us through the replies filed, submitted that it is not the case that the Petitioner has been singled out, as the Ministry has uploaded 4,474 applications with personal details. To the specific query whether personal details of all 4,474 applicants were displayed on the website, the learned Counsel

for the Respondent confirmed that it was so and the applications with all personal details were uploaded. The learned Counsel submitted that the earlier office memorandum directed that the application be put up on the website in a pro-active manner. He, however, did not dispute that post 7 October 2016, under the office memorandum issued, personal details should not be disclosed on the website, but he states that the Ministry was not aware of the Office Memorandum. To our specific query as to when the Respondent- Ministry learnt of the memorandum, he submitted that it was sometime in July or August 2020. The learned Counsel pointed out the letter dated 31 July 2020 whereby the Ministry of Information and Broadcasting informed the Senior Technical Director, National Informatics Centre, Ministry of Information and Broadcasting to remove the personal details of the applicants. The learned Counsel further submitted there was an error on the part of the Respondent- Ministry and there is no malice or motive to put up the personal details of the Petitioner alone to harass him.

11. From the two replies filed and responses by the Counsel for the Ministry to our specific questions, following factual position emerges. Despite office memorandum dated 7 October 2016, till 1 August 2020, 4,474 applications filed under the RTI Act with personal details of the applicants were uploaded on the website of the Respondent- Ministry. From this statement by the Ministry, it may

not be that the petitioner is singled out, but the reason why it so makes the matter more serious. The Respondents cannot seek dismissal of the writ petition contending that the petitioner is not the only victim of an irregularity, more particularly when the breach is regarding an enactment which is an essential component of a working democracy.

12. The decision of the Calcutta High Court mandating that personal details be not placed in public domain was rendered in the year 2013. Therefore, the contention that the mandate came in operation from 7 October 2016 is not correct. Be that as it may, we have proceeded based on the Respondents case that the 7 October 2016 Memorandum directs that the personal details of the Applicants under the Act not to be disclosed in the public domain.

13. Respondent-Ministry contends that it was not aware of the Official Memorandum dated 7 October 2016 and when it became aware, it took suitable action. This response is vague. There is no such general concept of awareness of a government department. Either the government department receives an official communication, or it was not received. The stand that Respondent Ministry was not aware of the Memorandums is not specific. Despite two affidavits, no details are placed on record by the Respondent- Ministry regarding these official communications. There is no specific stand that as per inward register,

physical or electronic, there is no entry of the communication received from the Ministry of Personnel. The routine administrative functioning of a government department is carried out by the government servants working in these departments. Generally, there are departments and persons in charge of receiving and forwarding communications. We presume that in the Respondent Ministry also there would be a post or department in charge of forwarding the applications and information for uploading it to the website through the National Informatics Centre. The Calcutta High Court on 20 November 2013 had directed that the Secretary, Ministry of Personnel should circulate the copy of its order to all concerned. The office memorandum dated 7 October 2016 issued by the Ministry of Personnel contains a footnote that it is circulated to all departments. These being official acts, deemed to have been carried out.

14. As the statement of objects and reasons of the Act indicates it was enacted to set up a practical regime of right to promote transparency and accountability in the working of every public authority. Citizen actions and transparency are vital for the functioning of the democracy, to contain corruption and to hold Governments and their instrumentalities accountable to the governed, The Act also balances competing goals and interest. It is acknowledged that revelation of information in actual practice may conflict with efficient operations of the Governments, limited financial resources and need

for confidentiality of sensitive information. Right to Information Act is, therefore, a unique and vital piece of legislation.

15. The Calcutta High Court in the case *Mr. Avishek Goenka* referred to the need to protect the applicants applying under the Act. Court also cautioned of the intimidatory tactics of unscrupulous elements against such applicants. Based on this Court order, Office Memorandums were issued directing removal of personal details. Uploading the personal details of the applicants is thus not only unnecessary, but it may also make some of the applicants vulnerable to unscrupulous elements.

16. The issue also travels beyond the individual breach of the privacy of the applicant and potential likelihood of a risk. It is the impact on future applicants. Informed citizenry and transparency of information are vital for the functioning of democracy. Noticing that personal details of other applicants are put up in the public domain, some of those who want to seek information for the larger good may be deterred for the fear of being targeted. This could defeat the object of the Act. If such a large scale breaches in the field of Right to Information are not taken seriously, the right itself will be trivialized. Suitable action must be taken, and also seen to be taken, to underscore the importance of the Act of 2005.

17. After arguments were concluded on 29 October 2020 and the petition was directed to be placed on Board on 5 November 2020 for passing orders, an affidavit of the Respondent sworn by Mr. Sarangi on 4 November 2020 is filed. This affidavit states that action is taken against the concerned and such things will not be repeated. Notices issued by Mr. Sarangi calling for explanation are annexed. Earlier two affidavits did not contain any such averments. Three notices are dated 3 November 2020. We are not satisfied with this affidavit, more particularly with the timing and the manner it is furnished. Despite the office memorandum dated 7 October 2016, for four years, 4,474 applications with personal details of the applicants were uploaded on the website of the Ministry of Information and Broadcasting. Looking at the magnitude of the lapse, it cannot be treated as just a routine internal matter. We therefore intend to place the responsibility of ensuring that necessary enquiry is conducted and that too in time bound manner upon the highest official in the Ministry, the Secretary. Needless to state that if the enquiry will result in punitive action against the guilty government servants it would follow the applicable Rules and Regulations.

18. As regards the Petitioner's claim for damages for rupees fifty lakhs is concerned, we have to be mindful that this relief is sought in writ jurisdiction. It is not the position of law that in a writ

jurisdiction, moment the court concludes that a right is breached, damages must follow as of course without any further enquiry. Courts grant damages in public law more in the cases of the poor and downtrodden who may not have the means to enforce their rights in private law. The law of damages requires various parameters to be evaluated. Grant of damages require factual adjudication such as to the quantum. The petitioner has a remedy of approaching a civil court. This claim is left open to be agitated in the appropriate civil forum. However, the Respondents should pay the expenses incurred by the petitioner in filing and prosecuting this petition. Considering the facts and circumstances, we quantify the expenses at Rs.25000/- (Twenty Five thousand only). This expenses will be without prejudice to the rights of the Petitioner to claim appropriate damages in the civil court.

19. The Writ Petition is disposed of with these directions:

- a) The papers of this Petition along with a copy of the replies filed by the Respondent and the copy of this order be placed before the Secretary, Ministry of Information and Broadcasting, Government of India, within two weeks from today;
- b) Responsibility is placed on the Secretary, Ministry of Information and Broadcasting, Government of India, to ensure that a suitable enquiry is held in the issues highlighted

in this judgment regarding the uploading of the personal details of the applicants contrary to the concerned Office Memorandum;

- c) After a due enquiry, suitable disciplinary action will be taken as per the governing rules and regulations;
- d) Action under Clauses (b) and (c) will be completed within three months, that is by first week of February 2021, from the date the order is placed before the Secretary as per clause (a);
- e) The report be submitted to the Registry of this court by the Secretary, under his signature of completing the action taken as per clause (c) within two weeks thereafter, that is by third week of February 2021;
- f) If no report is submitted to this Court within the time stipulated, liberty to the Petitioner to move an application in this petition. This liberty is irrespective of the action that the Court may take under its powers for non-compliance;
- g) The Respondent will deposit the cost of the petition quantified at Rs. 25000/- (Twenty Five thousand only) in the Registry of this court within three weeks from today, which petitioner will be entitled to withdraw.

20. Rule is made absolute in the above terms. Writ Petition is disposed of.

21. In view of disposal of writ petition, interim application is also disposed of.

21. This order will be digitally signed by the Personal Assistant/ Private Secretary of this Court. All concerned to act on production by fax or email of a digitally signed copy of this order.

(MILIND JADHAV, J.)

(NITIN JAMDAR, J.)

Government of India
Ministry of Housing & Urban Affairs
(HFA-IV Section)

ANNEXURE P-4

[Link: http://mohua.gov.in/upload/uploadfiles/files/Vaibhav%20Fulkar.pdf](http://mohua.gov.in/upload/uploadfiles/files/Vaibhav%20Fulkar.pdf)

Nirman Bhawan, New Delhi

Dated: 1st May, 2019

To

Shri Vaibhav Fulkar,
A 1204 Marvel Ideal Spacio,
Jagadamba Bhavan Marg,
Undri Pune, Maharashtra – 411060.

Sub: Information sought under RTI Act, 2005 – regarding.

Sir,

I am directed to refer to your online RTI application dated 01.04.2019 bearing registration no. MOURB/R/2019/50499 received in the office of CPIO & US (HFA-IV) on 02.04.2019 seeking information about CLSS component of PMAY(U) Mission.

2. In this regard, it is stated that the information sought under RTI application is in the nature of a query and as such does not come in the definition of 'Information' as defined under section 2(f) of the RTI Act. The issues raised in the RTI application, however, have been considered and the related information as available with HFA-IV Section, is furnished below:

Points 1 to 5: In the extant scheme guidelines, there is no clause for proportionate recovery of interest subsidy in cases of pre-closure of CLSS Housing loans. However, CLSS Scheme guidelines provide that Central Nodal Agencies (CNAs) (HUDCO & NHB) shall submit a consolidated utilization certificate on completion of the housing unit within the stipulated time period. In case of default in submission of utilization / end use certificate, the amount of subsidy is to be refunded back. CNAs and PLIs have been given flexibility to monitor this aspect based on their own due diligence process for granting loan.

The full details of the CLSS are available in the Scheme Guidelines which may be accessed on the Ministry's website at the link: <http://www.mohua.gov.in/cms/credit-linked-subsidy-scheme.php>

Point 6: CNAs are the appropriate authority concerned to respond/ provide the requisite information and, therefore, your application is transferred to the concerned authorities in the CNAs under Section 6(3) of the RTI Act, 2005 with the request to take appropriate action as per the provision of RTI Act, 2005 and send the information directly to the applicant

3. If not satisfied with the above information, an appeal shall lie with the Appellate Authority within 30 days from the receipt of the letter. The name and address of Appellate Authority is as under:-

Shri Rishi Kumar, Director (HFA-4),
M/o HUA, Room No. 222, G-Wing (NBO),
Nirman Bhawan, New Delhi-110108.

Yours faithfully,



(Rahul Mahna)

Under Secretary & CPIO (HFA-4)

Tele: 23061285

Contd...

Copy to:

- i. Shri Prabhat Ranjan, Deputy Manager, RTI Cell, National Housing Bank, Core 5-A, 4th Floor, India Habitat Centre, Lodhi Road, New Delhi-110003. RTI application is transferred under section 6(3) of the RTI Act, 2005, in respect of point 6 with the request to take appropriate action as per provision of the Act and send the information available directly to the applicant.
- ii. Shri S K Mishra, CPIO, Housing & Urban Development Ltd., HUDCO Bhawan, Core-7-A. India Habitat Centre, Lodhi Road, New Delhi- 110003, RTI application is transferred under section 6(3) of the RTI Act, 2005, in respect of point 6 with the request to take appropriate action as per provision of the Act and send the information available directly to the applicant.
- iii. Section Officer (PI Cell), Ministry of HUA, Nirman Bhawan, for information.
- ✓ iv. Section Officer (IT Cell), Ministry of HUA, Nirman Bhawan, for placing this on the website of the Ministry.

No. O-17035/2/2018-HFA-4 (FTS-9056633)

Government of India

Ministry of Housing & Urban Affairs

(HFA-IV Section)

[Link: http://mohua.gov.in/upload/uploadfiles/files/r1.pdf](http://mohua.gov.in/upload/uploadfiles/files/r1.pdf)

Nirman Bhawan, New Delhi-110108

Dated: 05th January, 2019

To

Shri Nareshbhai Dulabhai Savlia,
J-608 Bhojaldham Residency,
Near Abjeebapa Green Behind Nikolgam,
Ahmedabad, Gujarat - 382350

Sub: Information sought under RTI Act, 2005 – regarding.

Sir,

I am directed to refer to your online RTI application bearing Registration No. MOURB/R/2018/90130 dated 14.12.2018 transferred under Section 6 (3) of the RTI Act, 2005 by Reserve Bank of India vide Reference No. RBIND/R/2018/04682 dated 14.12.2018 and received in the office of CPIO & US (HFA-IV) on 14.12.2018 seeking information about home loan subsidy.

2. In so far as HFA-IV Division is concerned, it is looking after the Credit Linked Subsidy Scheme component of PMAY (U) mission. Under the Credit Linked Subsidy Scheme (CLSS for EWS/LIG & CLSS for MIG) component of the Pradhan Mantri Awas Yojana (Urban) {PMAY[U]}, there is an interest subsidy of 6.5% for Economically Weaker Section (EWS)/ Lower Income Group (LIG), 4% for Middle Income Group (MIG-I) and 3% for MIG-II, calculated on housing loan up to Rs.6 lakh, Rs.9 lakh and Rs.12 lakh, respectively, over a tenure of 20 years. Details of PMAY (U) mission scheme Guidelines, Operational Guidelines for CLSS for EWS/LIG and Operational Guidelines for CLSS for MIG are available on the website at the link <http://mohua.gov.in/cms/hfaqguidelinesmanagement.php>

3. As the information sought under your RTI application also relates to area which fall in the domain of Department of Financial Services and Department of Rural Development, your application is hereby transferred under Section 6(3) of the RTI Act, 2005 to the concerned authorities with the request for appropriate action under the provisions of the Act and furnish the information directly to the applicant.

Contd...

4. If not satisfied with the above information, an appeal shall lie with the Appellate Authority within 30 days from the receipt of the letter. The name and address of Appellate Authority is as under:-

Dr. Chandramani Sharma, Director (HFA-4),
M/o HUA, Room No. 222, G-Wing (NBO),
Nirman Bhawan, New Delhi-110108.

Yours faithfully,



(Rahul Mahna)

Under Secretary & CPIO (HFA-4)

Tele: 23061285

Copy to:-

- i. Shri Promod Kumar Singh, Under Secretary, Ministry of Finance, Department of Financial Services, 3rd Floor, Jeevandeep Building, Parliament Street, New Delhi. RTI application of Sh. Nareshbhai Dulabhai Savlia is transferred under section 6(3) of the RTI Act, 2005 with the request to take appropriate action as per provision of the Act and send the information available directly to the applicant.
- ii. Nodal RTI Officer, Ministry of Rural Development, Krishi Bhawan, New Delhi – 110001. RTI application of Sh. Nareshbhai Dulabhai Savlia is transferred under section 6(3) of the RTI Act, 2005 with the request to take appropriate action as per provision of the Act and send the information available directly to the applicant.
- iii. The Nodal Officer, Reserve Bank of India, Sansad Marg, New Delhi-110001, for information.
- iv. Section Officer (PI Cell), Ministry of HUA, Nirman Bhawan, for information.
- ✓ Section Officer (IT Cell), Ministry of HUA, Nirman Bhawan, for placing this on the website of the Ministry.

No. O-17035/2/2018-HFA-4 (FTS-9056633)

**Government of India
Ministry of Housing & Urban Affairs
(HFA-IV Section)**

Nirman Bhawan, New Delhi-110108

Dated: 14th January, 2019

To

Shri Arijit Lahiri,
Hyderabad
Email ID: arijittheonlyone@gmail.com
Ph.: 7838421180

Sub: Information sought under RTI Act, 2005 – regarding.

Sir,

I am directed to refer to your RTI application dated 28.12.2018 transferred under Section 6 (3) of the RTI Act, 2005 by RTI/PG Cell, Directorate of Estates vide O.M No. 1/12/2017-RTIC/DE dated 11.01.2019 and received in the office of CPIO & US (HFA-IV) on 11.01.2019.

2. In so far as HFA-IV Division is concerned, it is looking after the Pradhan Mantri Awas Yojana (Urban) {PMAY(U)} mission which has been launched with the aim to provide assistance to States/UTs for providing houses to all eligible families/beneficiaries. Thus, this division is concerned with point no.3 of the RTI application. The requisite information to the point 3, as available, is furnished as under:

- Government of India has launched the 'Pradhan Mantri Awas Yojana-(Urban) {PMAY (U)} on 25th June, 2015 for assisting States/UTs in providing houses to all eligible urban poor. Mission comprises four components viz. In-situ Slum Redevelopment (ISSR), Affordable Housing through Credit-Linked Subsidy Scheme (CLSS now renamed as CLSS for EWS/LIG), Affordable Housing in Partnership (AHP) with public and private sectors and subsidy for Beneficiary-led Individual House Construction (BLC).

The mission is to be implemented by State Govt./ULB. States have the flexibility to select the suitable options from the four verticals for meeting their housing requirements. Approval of projects & plans and selection of beneficiary under all the verticals except Credit Linked Subsidy Scheme (CLSS for EWS/LIG & CLSS for MIG) would be at the State level and the financial assistance from Government of India is to be released based on proposals received from States/UTs.

Credit Linked Subsidy Scheme component of Pradhan Mantri Awas Yojan (Urban) {PMAY(U)} provides an interest subsidy of 6.5% for Economically Weaker Section (EWS)/ Lower Income Group (LIG), 4% for Middle Income Group (MIG-I) and 3% for MIG-II, on housing loans availed from the Primary Lending Institutions (PLIs) subject to their being otherwise eligible under the scheme.

For implementation of CLSS (CLSS for EWS/LIG & CLSS for MIG) component of PMAY (U) mission, Ministry has identified two Central Nodal Agencies (CNAs) i.e. National Housing Bank and Housing and Urban Development Corporation Ltd. to channelize the subsidy to the Primary Lending Institutions (PLIs). CNAs have signed MoUs with PLIs for implementation of the scheme. The list of PLIs who have signed the MoU is given on the website of the Ministry at <http://mohua.gov.in/cms/credit-linked-subsidy-scheme.php> and also at the websites of NHB & HUDCO.

Contd...

An applicant desirous of availing the credit subsidy admissible under CLSS component of PMAY (U), can approach the Primary Lending Institutions (PLIs) [Banks, HFCs, etc] who have entered into a Memorandum of Understandings (MoU) with either of the two Central Nodal Agencies. The applicant has to comply with the documentation and other formalities as prescribed under the 'due diligence' of the bank/HFC concerned, if he is otherwise eligible under the scheme guidelines of PMAY (U) mission

For complete details, PMAY(U) mission guidelines and Operational guidelines for CLSS for EWS/ LIG & CLSS for MIG may be seen which are available, both in Hindi & English, on the Ministry's website at the link <http://mohua.gov.in/cms/hfaguidelinesmanagement.php>

3. If not satisfied with the above information, an appeal shall lie with the Appellate Authority within 30 days from the receipt of the letter. The name and address of Appellate Authority is an under:-

Dr. Chandramani Sharma, Deputy Director General (HFA-4),
M/o HUA, Room No. 222, G-Wing (NBO),
Nirman Bhawan, New Delhi-110108.

Yours faithfully,



(Rahul Mahna)

Under Secretary & CPIO (HFA-4)

Tele: 23061285

Copy to:-

- i. Sh. W. Hitler, Assistant Director of Estates (RTI/PG Cell), Directorate of Estates, Nirman Bhawan, for information.
- ii. Shri R.J. Meena, US & CPIO, M/o H&FW, Family Planning-1 Section, Nirman Bhawan, New Delhi, for information.
- iii. Section Officer (PI Cell), Ministry of HUA, Nirman Bhawan, for information.
- ✓ iv. Section Officer (IT Cell), Ministry of HUA, Nirman Bhawan, for placing this on the website of the Ministry.

No. O-17035/2/2018-HFA-4 (FTS-9056633)
 Government of India
 Ministry of Housing & Urban Affairs
 (HFA-IV Section)

Link: [http://mohua.gov.in/upload/uploadfiles/files/RTI%20Devendra%20Rawat%20\(1\).pdf](http://mohua.gov.in/upload/uploadfiles/files/RTI%20Devendra%20Rawat%20(1).pdf)

Nirman Bhawan, New Delhi-110108

Dated: 05th March, 2019

To

Sh. Devendra Rawat,
 A 601 Anand Home
 Near Court Road PO and The Kaship,
 Kashipur, Udham Singh Nagar, Uttarakhand – 244713.

Sub: Information sought under RTI Act, 2005 – regarding.

Sir,

I am directed to refer to your online RTI application bearing Registration No. MOURB/R/2019/80134 dated 13.02.2019 transferred under Section 6 (3) of the RTI Act, 2005 by Prime Minister's Office vide Reference No. PMOIN/R/2019/50709 dated 13.02.2019 and received in the office of CPIO & US (HFA-IV) seeking information regarding interest subsidy provided under PMAY (U) and PMAY (G) schemes. HFA-IV division has the mandate to look after PMAY (U) mission and information as available regarding interest subsidy provided under CLSS component of PMAY (U) mission is furnished below:

Point no. 1 & 2: The salient features of CLSS component of the Pradhan Mantri Awas Yojana (Urban) mission, are as under:-

Details	EWS	LIG	MIG I	MIG II
Household Income (₹)	Upto 3,00,000	3,00,001- 6,00,000	6,00,001- 12,00,000	12,00,001- 18,00,000
Subsidy eligible on Maximum Loan Amount (₹)	6,00,000	6,00,000	9,00,000	12,00,000
Maximum Loan Tenure	20 years			
Carpet Area (Sq. m.)	30	60	160	200
Interest Subsidy p.a.	6.50%		4.00%	3.00%
Maximum Interest Subsidy (₹)	2,67,280		2,35,068	2,30,156
Purpose of Loan	Purchase, re-purchase, construction, enhancement		Purchase, re-purchase, Construction.	

Contd...

The houses constructed / acquired with central assistance under the Pradhan Mantri Awas Yojana (Urban) mission should be in the name of the female head of the household or in the joint name of the male head of the household and his wife, and only when there is no female member in the family, the house can be in the name of a male member of the family. The female ownership condition is applicable only for new purchases and not for new construction (on an existing piece of land) or for enhancement/ repairs of an existing house.

The definition of 'Beneficiary' has been amended and effective from 01.01.2017, makes an adult earning member (irrespective of marital status) eligible to apply for PMAY(U) including under CLSS for EWS/LIG component, subject to following provisos:

Provided that he / she does not own a pucca house (an all weather dwelling unit) in his / her name in any part of India.

Provided also that in the case of a married couple, either of the spouses or both together in joint ownership will be eligible for a single house, subject, subject to income eligibility of the household under the Scheme.

Under CLSS for MIG scheme, the condition/ norms of female as property owner or joint owner is not applicable.

Under CLSS for EWS/LIG scheme, existing housing loans sanctioned and disbursed by Primary Lending Institution (PLIs) on or after 17.06.2015 and in the case of CLSS for MIG scheme, existing housing loans sanctioned and disbursed by the Primary Lending Institutions (PLIs) on or after 01.01.2017, are admissible for consideration subject to their being otherwise eligible.

For complete details, PMAY(U) mission guidelines and Operational guidelines for CLSS for EWS/ LIG & CLSS for MIG may be seen which are available, both in Hindi & English, on the Ministry's website at the link <http://mohua.gov.in/cms/hfaguidelinesmanagement.php>

Points No. 3 to12: For implementation of CLSS (CLSS for EWS/LIG & CLSS for MIG) component of PMAY (U) mission, Ministry has identified two Central Nodal Agencies (CNAs) i.e. National Housing Bank and Housing and Urban Development Corporation Ltd. to channelize the subsidy to the Primary Lending Institutions (PLIs). CNAs have signed MoUs with PLIs for implementation of the scheme

It is considered that CNAs are the appropriate authority concerned to respond/ provide the requisite information and, therefore, your application is transferred to the concerned authorities in the CNAs under Section 6(3) of the RTI Act, 2005 with the request to take appropriate action as per the provision of RTI Act, 2005 and send the information directly to the applicant.

2. Ministry of Rural Development has the mandate to implement housing scheme in rural areas and is implemented Pradhan Mantri Awas Yojana (Gramin). Your application is, therefore, transferred under Section 6(3) of the RTI Act, 2005 with the request to take appropriate action as per the provision of Act and send the information directly to the applicant.

3. If not satisfied with the above information, an appeal shall lie with the Appellate Authority within 30 days from the receipt of the letter. The name and address of Appellate Authority is as under:-

Dr. Chandramani Sharma, Deputy Director General (HFA-4),
M/o HUA, Room No. 222, G-Wing (NBO),
Nirman Bhawan, New Delhi-110108.

Your's faithfully,



(Rahul Mahna)

Under Secretary & CPIO (HFA-4)

Tele: 23061285

Copy to:

- i. Shri Prabhat Ranjan, Deputy Manager, RTI Cell, National Housing Bank, Core 5-A, 4th Floor, India Habitat Centre, Lodhi Road, New Delhi-110003. RTI application is transferred under section 6(3) of the RTI Act, 2005 in respect of points 3 to 12 with the request to take appropriate action as per provision of the Act and send the information available directly to the applicant.
- ii. Shri S K Mishra, CPIO, Housing & Urban Development Ltd., HUDCO Bhawan, Core-7-A. India Habitat Centre, Lodhi Road, New Delhi- 110003. RTI application is transferred under section 6(3) of the RTI Act, 2005 in respect of points 3 to 12 with the request to take appropriate action as per provision of the Act and send the information available directly to the applicant.
- iii. Nodal RTI Officer, Ministry of Rural Development, Krishi Bhawan, New Delhi – 110001. RTI application is transferred under section 6(3) of the RTI Act, 2005 with the request to take appropriate action as per provision of the Act and send the information available directly to the applicant.
- iv. The Under Secretary & CPIO (Shri Praveen Kumar), Prime Minister's Office, South Block, New Delhi-110011, for information.
- v. Section Officer (PI Cell), Ministry of HUA, Nirman Bhawan, for information. Section Officer (IT Cell), Ministry of HUA, Nirman Bhawan, for placing this on the website of the Ministry.

[Link: http://mohua.gov.in/upload/uploadfiles/files/rti4\(1\).pdf](http://mohua.gov.in/upload/uploadfiles/files/rti4(1).pdf)

RTI Matter

No. O-17035/04/2016-HFA-IV (FTS-9015679)

Government of India

Ministry of Housing & Urban Affairs

(HFA-IV Section)

Nirman Bhawan, New Delhi-110108

Dated: 29th October, 2018

To

Ms. Vineeta Meena,
E-2/468 Chitrakoot Scheme, Gandhi Path,
Vaishali Nagar, Jaipur,
Rajasthan - 302021.

Sub: Information sought under RTI Act, 2005 - regarding.

Madam,

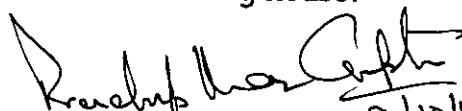
I am directed to refer to your online RTI application bearing Registration Number MOURB/R/2018/51496 dated 12.10.2018 received in the office of CPIO & US (HFA-IV) seeking information about CLSS component of PMAY Mission.

2. In this regard, it is stated that the information sought under the RTI application is in the nature of query which does not fall in the definition of 'information' as defined under Section 2(f) of the RTI Act, 2005. The issue raised in the RTI application, however, has been considered and the information, as available with HFA-IV division, is furnished as under:

- Under CLSS for EWS/LIG, one of the component of PMAY(U) mission, the beneficiaries of Economic Weaker Section having annual household income upto Rs.3,00,000/- and Lower Income Group with annual household income between Rs.3,00,001 to Rs.6,00,000/- subject to their being otherwise eligible under the scheme, can avail of interest subsidy at the rate of 6.5% on the housing loans upto Rs. 6.00 lakh from Banks, Housing Finance Companies (HFCs) and other such institutions for a tenure of 20 years or actual tenure whichever is earlier, for acquisition, construction and extension of house, giving them a benefit of maximum Rs. 2.67 lakh each.

The carpet area of houses being constructed or enhanced under CLSS for EWS/LIG scheme should be upto 30 square metres and 60 square metres for EWS and LIG, respectively in order to avail of this credit linked subsidy. The beneficiary, at his/her discretion, can build a house of larger area but interest subvention would be limited to first Rs. 6 lakh only.

The houses constructed / acquired with central assistance under the Pradhan Mantri Awas Yojana (Urban) mission should be in the name of the female head of the household or in the joint name of the male head of the household and his wife, and only when there is no female member in the family, the house can be in the name of a male member of the family. The female ownership condition is applicable only for new purchases and not for new construction (on an existing piece of land) or for enhancement/ repairs of an existing house.

f.u.a. 
29/10/18

Contd...2

SO (IT)

The definition of 'Beneficiary' has been amended and effective from 01.01.2017, makes an adult earning member (irrespective of marital status) eligible to apply for PMAY(U) including under CLSS for EWS/LIG component, subject to following provisos:

Provided that he / she does not own a pucca house (an all weather dwelling unit) in his / her name in any part of India.

Provided also that in the case of a married couple, either of the spouses or both together in joint ownership will be eligible for a single house, subject, subject to income eligibility of the household under the Scheme.

Under CLSS for EWS/LIG scheme, existing housing loans sanctioned and disbursed by Primary Lending Institution (PLIs) on or after 17.06.2015, are admissible for consideration subject to their being otherwise eligible. Details of the scheme guidelines are available at the Ministry's website at the link <http://mohua.gov.in/cms/credit-linked-subsidy-scheme.php>

3. If not satisfied with the above information, an appeal shall lie with the Appellate Authority within 30 days from the receipt of the letter. The name and address of Appellate Authority is an under:-

Dr. Chandramani Sharma, Director (HFA-4),
M/o HUA, Room No. 222-G,
Nirman Bhawan, New Delhi – 110108

Yours faithfully,



(Rahul Mahna)

Under Secretary & CPIO (HFA-4)

Tele: 23061285

Copy to:

- i. Section Officer (PI Cell), Ministry of HUA, Nirman Bhawan, for information.
- ii. Senior Technical Director (NIC), Ministry of HUA, Nirman Bhawan, for placing this on the website of the Ministry.