

श्री रामायण यादव, अपर सचिव एवं प्रथम अपील प्राधिकारी के समक्ष
(सूचना के अधिकार अधिनियम, 2005 की धारा 19 के अधीन)
विधि और न्याय मंत्रालय, विधि कार्य विभाग, कमरा नं0 409 ए विंग, शास्त्री
भवन, नई दिल्ली-110001

अपील संख्या 21 (776)/2017-RTI/290237/AS(RY)/2018-RTI

के मामले में

श्री देवी दयाल शर्मा
सी 12/412, यमुना विहार,
दिल्ली-53

- अपीलार्थी

बनाम

केन्द्रीय लोक सूचना अधिकारी,
विधि और न्याय मंत्रालय,
विधि कार्य विभाग,
शास्त्री भवन, ई दिल्ली; 110001

-प्रत्यर्थी

आदेश

दिनांक 8-3-2018

श्री देवी दयाल शर्मा, सी 12/412, यमुना विहार, दिल्ली-53 यहां इसके पश्चात अपीलार्थी ने सूचना का अधिकार अधिनियम 2005 के अधीन अपने दिनांक 16-10-2017 के आवेदन पत्र इस विभाग में दिनांक 24-10-2017 को प्राप्त हुआ। इसके तहत मांगी गई जानकारी प्रदान नहीं कराए जाने पर प्रथम अपील दिनांक 1-12-2017 को दायर की है, जिसमें धरेलू हिंसा को इंगित किया गया है।

2- विधि कार्य विभाग के केन्द्रीय लोक सूचना अधिकारी यहां इसके पश्चात प्रत्यर्थी ने अपने दिनांक 22-11-2017 के उत्तर के तहत अपीलार्थी को यह सूचित

किया था कि मांगी गई सूचना दरअसल विधिक सलाह मांगने जैसी है और सूचना का अधिकार अधिनियम 2005 की धारा 2-च के अधीन यथा परिभाषित "सूचना" की परिभाषा की परिधि में नहीं आती है। इसके अलावा भारत सरकार कार्य आबंटन नियम, 1961 के अनुसार, इस विभाग का मूल कार्य केवल भारत सरकार के मंत्रालयों/विभागों को विधिक सलाह प्रदान करना है। यह विभाग निजी तौर पर व्यक्तियों को विधिक सलाह प्रदान नहीं करता है। इसलिए विभाग उन्हें कोई भी जानकारी देने में असमर्थ है।

3- मैंने अपील के ज्ञापन और प्रत्यर्थी द्वारा दी गई सूचना को देख लिया है। मैं प्रत्यर्थी द्वारा अपीलार्थी की आरटीआई याचिका पर की गई कार्रवाई से सहमत हूँ क्योंकि अपीलार्थी ने जो सूचना मांगी है वह विधि कार्य विभाग के कार्यक्षेत्र की परिधि में नहीं आती है। तदनुसार, अपील का निपटान किया जाता है।

4- यदि अपीलार्थी इस आदेश से संतुष्ट नहीं है, तो वह 90 दिन के भीतर माननीय केन्द्रीय सूचना आयोग, बाबा गंगनाथ मार्ग, मुनिरका-67 के समक्ष द्वितीय अपील कर सकता है।

राज राव

(रामायण यादव)

अपर सचिव एवं प्रथम अपील प्राधिकारी

दूरभाष नं० 23384204

प्रतिलिपि प्रेषित-

- 1- श्री देवी दयाल शर्मा, सी 12/412, यमुना विहार, दिल्ली-53
- 2- श्री के० गिनखन थंग, उप सचिव एवं केन्द्रीय लोक सूचना अधिकारी, विधि कार्य विभाग, शास्त्री भवन, नई दिल्ली।
- 3- अनुभाग अधिकारी, आरटीआई प्रकोष्ठ, विधि कार्य विभाग, शास्त्री भवन, नई दिल्ली।

श्री रामायण यादव, अपर सचिव एवं प्रथम अपील प्राधिकारी के समक्ष
(सूचना के अधिकार अधिनियम, 2005 की धारा 19 के अधीन)
विधि और न्याय मंत्रालय, विधि कार्य विभाग, कमरा नं0 409 ए विंग, शास्त्री
भवन, नई दिल्ली-110001

अपील संख्या 21/04/2018-RTI/297957/AS(RY)/2018-RTI

के मामले में

श्री अरूण कुमार श्रीवास्तव,
C/o श्री प्रभुलाल खंगार,
गली नं0 1, मुर्गी फार्म,
डडवाडा, कोटा जंक्शन,
राजस्थान।

- अपीलार्थी

बनाम

केन्द्रीय लोक सूचना अधिकारी,
विधि और न्याय मंत्रालय,
विधि कार्य विभाग,
शास्त्री भवन, ई दिल्ली; 110001

-प्रत्यर्थी

आदेश

दिनांक 8-3-2018

श्री अरूण कुमार श्रीवास्तव, C/o श्री प्रभुलाल खंगार, गली नं0 1, मुर्गी फार्म, डडवाडा, कोटा जंक्शन, राजस्थान। यहां इसके पश्चात अपीलार्थी ने सूचना का अधिकार अधिनियम 2005 के अधीन अपने दिनांक 21-11-2017 का पत्र इस विभाग में दिनांक 30-11-2017 को प्राप्त हुआ। इसके तहत मांगी गई जानकारी दिनांक 23-1-2018 को दी गई, तदनुपरांत प्रथम अपील दिनांक 23-2-2018 को दायर की है, जिसमें धरेलू हिंसा को इंगित किया गया है।

2- विधि कार्य विभाग के केन्द्रीय लोक सूचना अधिकारी (यहां इसके पश्चात प्रत्यर्थी) ने अपने दिनांक 21-11-2017 के उत्तर के तहत अपीलार्थी को यह सूचित किया था कि मांगी गई सूचना दरअसल विधिक सलाह मांगने जैसी है और सूचना का अधिकार अधिनियम 2005 की धारा 2-च के अधीन यथा परिभाषित "सूचना" की परिभाषा की परिधि में नहीं आती है। इसके अलावा भारत सरकार कार्य आबंटन नियम, 1961 के अनुसार, इस विभाग का मूल कार्य केवल भारत सरकार के मंत्रालयों/विभागों को विधिक सलाह प्रदान करना है। यह विभाग निजी तौर पर व्यक्तियों को विधिक सलाह प्रदान नहीं करता है। इसलिए विभाग उन्हें कोई भी सलाह देने में असमर्थ है।

3- मैंने अपील के ज्ञापन और प्रत्यर्थी द्वारा दी गई सूचना को देख लिया है। मैं प्रत्यर्थी द्वारा अपीलार्थी की आरटीआई याचिका पर की गई कार्रवाई से सहमत हूँ क्योंकि अपीलार्थी ने जो सूचना मांगी है वह विधि कार्य विभाग के कार्यक्षेत्र की परिधि में नहीं आती है। तदनुसार, अपील का निपटान किया जाता है।

4- यदि अपीलार्थी इस आदेश से संतुष्ट नहीं है, तो वह 90 दिन के भीतर माननीय केन्द्रीय सूचना आयोग, बाबा गंगनाथ मार्ग, मुनिरका-67 के समक्ष द्वितीय अपील कर सकता है।

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(रामायण यादव)

अपर सचिव एवं प्रथम अपील प्राधिकारी
दूरभाष नं० 23384204

प्रतिलिपि प्रेषित-

- 1- श्री अरुण कुमार श्रीवास्तव, C/o श्री प्रभुलाल खंगार, गली नं० 1, मुर्गी फार्म, डडवाडा, कोटा जंक्शन, राजस्थान।
- 2- श्री के० गिनखन थंग, उप सचिव एवं केन्द्रीय लोक सूचना अधिकारी, विधि कार्य विभाग, शास्त्री भवन, नई दिल्ली।
- 3- अनुभाग अधिकारी, आरटीआई प्रकोष्ठ, विधि कार्य विभाग, शास्त्री भवन, नई दिल्ली।

**BEFORE SHRI R.K. SRIVASTAVA, DEPUTY LEGAL ADVISER AND
FIRST APPELLATE AUTHORITY (Judicial)**
(Under Section 19(1) of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM NO. 424 'A'
WING, SHASTRI BHAWAN, NEW DELHI-110001

Appeal No. 4/DLA(RKS)/RTI/Jud/2017

IN THE MATTER OF:

Dr. Amit Kumar Aggarwal Hridayesh
R/o. Ward No.12, New Hospital Road,
Near Dr. K.V. Singh
Bilaspur (Rampur)
U.P. 244921

Appellant

Versus

Central Public Information Officer (Jud)
Ministry of Law & Justice,
Department of Legal Affairs,
Room No.433, A-Wing,
Shastri Bhawan, New Delhi – 110001

Respondent

Date : 09.05.2017

ORDER

Being dissatisfied with the information provided by CPIO with respect to appellant's original application dated 23.02.2017, the present appeal has been filed.

2. Notices were issued to the respective parties for hearing on 02.05.2017. However, the Appellant vide letter dated 27.04.2017 received on 02.05.2017 requested to adjourn the hearing and fix for another date due to his pre-occupation on the date of hearing. Considering the request made by the appellant, hearing of the case has been re-fixed for 09.05.2017. Appellant and CPIO are present in person.

3. Heard the Appellant and CPIO and perused the records carefully.

4. Information provided by the CPIO is a consolidated reply. The Appellant desires point-wise information with respect to his renewal application for Additional Central Government Counsel in District Rampur (UP). Since point-wise information has not been provided by the CPIO, he is directed to provide point-wise information to the Appellant within 20 days. Ordered accordingly.

5. In case the Appellant is aggrieved with this order, he may file a second appeal before Hon'ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within the time period as prescribed under the provisions of RTI Act, 2005.


(R.K. Srivastava)

Deputy Legal Adviser and
First Appellate Authority
Tel. No. 011- 23387543

1. Dr. Amit Kumar Aggarwal Hridayesh, R/o. Ward No.12, New Hospital Road, Near Dr. K.V. Singh, Bilaspur (Rampur), U.P. 244921.

2. Central Public Information Officer (Judl), Ministry of Law & Justice, Department of Legal Affairs, Room No.433, A-Wing, Shastri Bhawan, New Delhi – 110001.

**BEFORE SHRI R.K. SRIVASTAVA, DEPUTY LEGAL ADVISER AND
FIRST APPELLATE AUTHORITY (Judicial)**

(Under Section 19(1) of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM NO.
424 'A' WING, SHASTRI BHAWAN, NEW DELHI-110001

Appeal No. 6/DLA(RKS)/RTI/Jud/2017

IN THE MATTER OF:

Shri R.K. Singh, Advocate

R.No. U.P.720/87

Ch.No.12, Dr. R.P. Bhawan, Judges Court,
Shahjahanpur (UP)

Versus

Appellant

Central Public Information Officer (Jud)

Ministry of Law & Justice,
Department of Legal Affairs,

Room No.415(C), A-Wing,
Shastri Bhawan, New Delhi – 110001

Respondent

Date : 08.06.2017

ORDER

Being dissatisfied with the information provided by CPIO vide letter dated 01.05.2017 with respect to the Application of Shri R.K. Singh dated 12.04.2017, the present Appeal has been filed.

2. Notices were issued to the respective parties and in response thereof, Appellant is not present and CPIO is present in person.
3. Heard the CPIO and perused the records carefully.
4. Vide application dated 12.04.2017, appellant sought information whether in compliance of the order dated 28.12.2016, letters for engagement of Standing/Additional Standing Government Counsel have been issued to the concerned District Judges/Advocates and if already issued, then on what date it was sent to District Judge, Shahjahanpur, UP. CPIO vide letter dated 01.05.2017 has informed the appellant that the order dated 28.12.2016 endorsed to all the concerned District Judges and Advocates and the same is available on the official website of the Department. Not being satisfied, the appellant has filed this appeal stating that the information provided by the CPIO is not clear, incomplete and misleading and has requested to direct the CPIO to provide the clear information.
5. The CPIO states that the number of Advocates engaged vide aforementioned order dated 28.12.2016 was large, i.e. 146 in total and as such copies of the Order were endorsed to a lengthy list of concerned people. It was also observed that while sending copies of similar orders to concerned District Judges/Advocates, the same is returned undelivered due to various reasons. As

such, in cases where the order is lengthy, it has come into practice to upload the orders on the official website of this Department i.e. www.lawmin.nic.in in the link "List of Empanelled Counsel" under the tab "Judicial Section" with the assumption that the concerned District Judges and advocates may access the same from the website. Such a practice is further substantiated when it is difficult to verify the addresses of the concerned advocates and judges. In view of these circumstances information as stated in the letter dated 01.05.2017 was provided to the applicant.

6. After issuance of the order dated 28.12.2016, scanned copy of the same was placed on the official website of this Department. Now we are living in Digital Era and e-publication is recognized world-wide. Government is implementing digital monitoring and electronic administration to facilitate paperless transaction. Placing the order on the official website is also one of the mode of publication. Further, considering the difficulties explained by the CPIO in sending copies of the order individually to all concerned, the information provided by the CPIO is correct.

7. In view of the above, on merits appeal deserves to be dismissed and the same is dismissed accordingly.

8. In case the Appellant is aggrieved with this order, he may file a second appeal before Hon'ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within the time period as prescribed under the provisions of RTI Act, 2005.


(R.K. Srivastava)

Deputy Legal Adviser and
First Appellate Authority
Tel. No. 011-23387543

1. Shri R.K. Singh, Advocate, R.No. U.P.720/87, Ch.No.12, Dr. R.P. Bhawan, Judges Court, Shahjahanpur (UP)
2. Central Public Information Officer (Judl), Ministry of Law & Justice, Department of Legal Affairs, Room No.415-C, A-Wing, Shastri Bhawan, New Delhi - 110001.

By Speed Post
RTI Matter

BEFORE SHRI RAJVEER SINGH VERMA, JOINT SECRETARY &
LEGAL ADVISER AND FIRST APPELLATE AUTHORITY (NOTARY)

(Under Section 19(1) of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM
NO.411-A, 'A' WING, 4th FLOOR, SHASTRI BHAWAN, NEW DELHI-110001.

Appeal – F.No.R-21/431/2017-NC

IN THE MATTER OF :

Shri Anoop Kumar Dubey
Advocate, R/o 130, Kukikhel, Near Ram Madical Store
Kaimngng, Distt-Farrukhabad
U.P-209502

.....Appellant

Versus

Central Public Information Officer (NC)
Ministry of Law & Justice
Department of Legal Affairs,
R.No.433(A), Shastri Bhawan
New Delhi

ORDER

Date:08.12.2017

Being dissatisfied with the action of CPIO the present appeal has been filed.

2. Notices were issued to the respective parties and in response thereof CPIO is present in person whereas the appellant has neither turned up in person nor submitted any submissions by any mode, hence the appeal is being disposed of basing upon the material available on record and after hearing the CPIO.

3. On perusal of relevant records made available by the CPIO it is revealed therefrom that required information has already been furnished to the RTI application of the appellant on 12.09.2017. The CPIO has clearly informed that there is no such type circular issued as Notaries are appointed on the basis of the recommendation made by the Interview Board. Interview Board recommends name of the successful contender on the basis of the performance of the individual concerned.

4. So far merits of appeals are concerned, it deserves to be dismissed.

5. The appeal is dismissed accordingly.

6. In case, the Appellant is aggrieved with the order, he may file a second appeal before Hon'ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within the time period as prescribed under the provisions of RTI Act, 2005.

(R.S. Verma)
Joint Secretary & Legal Adviser And
First Appellate Authority
Tel.No.011-23384162

By Speed Post
RTI Matter

BEFORE SHRI RAJVEER SINGH VERMA, JOINT SECRETARY &
LEGAL ADVISER AND FIRST APPELLATE AUTHORITY (NOTARY)

(Under Section 19(1) of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM
NO.411-A, 'A' WING, 4th FLOOR, SHASTRI BHAWAN, NEW DELHI-110001.

Appeal – F.No.R-21/768/2017-NC

IN THE MATTER OF :

Shri Nand Kumar Jha
House No.854, Kalash Kutir
Sector 31, Faridabad,
Harayana - 121003

.....Appellant

Versus

Central Public Information Officer (NC)
Ministry of Law & Justice
Department of Legal Affairs,
R.No.433(A), Shastri Bhawan
New Delhi

ORDER

Date: 11.12.2017

Being dissatisfied with the action of CPIO the present appeal has been filed.

2. Parties were informed about the date of hearing i.e. 28.11.2017 (on 20.11.2017) in the chamber of the First Appellate Authority orally where the Appellant and CPIO were present in person. On 28.11.2017 and in response thereof CPIO is present in person whereas the appellant has neither turned up in person nor submitted any submissions by any mode, hence the appeal is being disposed of basing upon the material available on record and after hearing the CPIO.

3. On perusal of relevant records made available by the CPIO it is revealed therefrom that required information has already been furnished to the RTI application of the appellant on 03.11.2017.

4. So far merits of appeals are concerned, it deserves to be dismissed.

5. The appeal is dismissed accordingly.

6. In case, the Appellant is aggrieved with the order, he may file a second appeal before Hon'ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within the time period as prescribed under the provisions of RTI Act, 2005.

(R.S. Verma)
Joint Secretary & Legal Adviser And
First Appellate Authority
Tel.No.011-23384162

Shri Nand Kumar Jha, House No.854, Kalash Kutir Sector 31, Faridabad,
Harayana 121003

Central Public Information Officer (NC), Ministry of Law & Justice, Department of
Legal Affairs, Room No.433, A-Wing, Shastri Bhawan, New Delhi.

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BEFORE SHRI RAJVEER SINGH VERMA, JOINT SECRETARY &
LEGAL ADVISER AND FIRST APPELLATE AUTHORITY (NOTARY)

(Under Section 19(1) of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM
NO.411-A, 'A' WING, 4th FLOOR, SHASTRI BHAWAN, NEW DELHI-110001.

Appeal – F.No.R-21/611/2016-NC

IN THE MATTER OF :

Shri Chandra Prakash Dixit
Advocate
Dixit Bhawan
Kaserukheda
Meerut

Versus

Central Public Information Officer (NC)
Ministry of Law & Justice
Department of Legal Affairs,
R.No.433(A), Shastri Bhawan
New Delhi

ORDER

Date: 20.12.2017

Being dissatisfied with the action of CPIO the present appeal has been filed.

2. Notices were issued to the respective parties and in response thereof CPIO as well as Appellant are present.

3. The CPIO has stated that in exercise of powers conferred under Section 15 of the Notaries Act, 1952 the Central Government amended the Notaries Rules, 1956 vide Notification dated 4th March, 2014. As per the amended Rule 8B an application for renewal of Certificate of Practice is required to be submitted to the appropriate Government before 'six' months from the date of expiry of its validity period. His Certificate of Practice was valid till 21.04.2015. Initially, he had approached for renewal of his Certificate of Practice as Notary vide application dated 14.04.2015 which was received in this Ministry on 27.04.2015 i.e. after expiry of its validity period and there was delay of 6 months and 6 days.

According to the amended Rule, it should have reached to this Department before six months of the expiry of Certificate i.e. on or before 21.10.2014. The statutory provisions do not empower the appropriate Government to exercise its discretion against the provisions of the Notaries Act and Notaries Rules. The statutory authority becomes functus officio after the expiry of validity period of the certificate and has the power to consider renewal of Certificate of Practice which has been received in this Department before expiry of its validity period. He may apply afresh; if he wishes so and if so applied his application will be considered as per law and procedure.

4. So far merits of appeals are concerned, it deserves to be dismissed.

5. The appeal is dismissed accordingly.

6. In case, the Appellant is aggrieved with the order, he may file a second appeal before Hon'ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within the time period as prescribed under the provisions of RTI Act, 2005.

(R.S. Verma)
Joint Secretary & Legal Adviser And
First Appellate Authority
Tel.No.011-23384162

1. Shri Shri Chandra Prakash Dixit, Advocate, Dixit Bhawan, Kaserukheda, Meerut
2. Central Public Information Officer (NC), Ministry of Law & Justice, Department of Legal Affairs, Room No.433, A-Wing, Shastri Bhawan, New Delhi.

By Speed Post
RTI Matter

BEFORE SHRI RAJVEER SINGH VERMA, JOINT SECRETARY &
LEGAL ADVISER AND FIRST APPELLATE AUTHORITY (NOTARY)

(Under Section 19(1) of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM
NO.411-A, 'A' WING, 4th FLOOR, SHASTRI BHAWAN, NEW DELHI-110001.

Appeal – F.No.R-21/815/2017-NC

IN THE MATTER OF :

Shri Balkrishna Begrajka,
Advocate
Sector-5/846, SF-2, Vaishali
Ghaziabad, (U.P)
Pin-201010

Versus

Central Public Information Officer (NC)
Ministry of Law & Justice
Department of Legal Affairs,
R.No.433(A), Shastri Bhawan
New Delhi

ORDER

Date: 16.01.2018

Being dissatisfied with the action of CPIO the present appeal has been filed.

2. Notices were issued to the respective parties and in response thereof CPIO as well as Appellant are present.
3. The Appellant had submitted his application for appointment as Notary in the month of December, 2015 to this Department. It was not forwarded by the concerned District Judge or the Presiding Officer of the Court or Tribunal where he was practicing as an Advocate and the same was returned to him vide letter dated 10.03.2016 issued by this Department. In response to RTI application of the Appellant, the CPIO had vide letter dated 28.11.2017 informed about the same to him.
4. I have seen Appellant's application dated nil and it is revealed therefrom that the Appellant had left the column 10(3) and (4) of the application blank and even last para of the application has not been filled by the Appellant.
5. On perusal of relevant records made available by the CPIO it is revealed therefrom that required information has already been furnished to the RTI application of the Appellant on 28.11.2017.

6. So far merits of appeals are concerned, it deserves to be dismissed.

7. The appeal is dismissed accordingly.

8. In case, the Appellant is aggrieved with the order, he may file a second appeal before Hon'ble CIC, Baba Gang Nath Marg, Munirka, New Delhi-110067 within the time period as prescribed under the provisions of RTI Act, 2005.

(R.S. Verma)
Joint Secretary & Legal Adviser And
First Appellate Authority
Tel.No.011-23384162

- (a) Shri Balkrishna Begrajka, Advocate, Sector-5/846, SF-2, Vaishali, Ghaziabad (U.P) Pin-201010.
- (b) Central Public Information Officer (NC), Ministry of Law & Justice, Department of Legal Affairs, Room No.433, A-Wing, Shastri Bhawan, New Delhi.