

BEFORE RAMAYAN YADAV, ADDITIONAL SECRETARY & FIRST APPELLATE
AUTHORITY

(Under Section 19 of RTI Act, 2005)
Ministry of Law & Justice: Department of Legal Affairs
Room No. 408, "A" Wing
Shastri Bhawan, New Delhi-110001.

Appeal No. 9/AS(RY)/IC/RTI/2016

Dated: 26/05/2016

IN THE MATTER OF

Shri A. Anand,
Room No. 11, House No. 160E/4A,
Munirka Village,
New Delhi-110067.

Appellant

Versus

Central Public Information Officer,
Ministry of Law & Justice,
Department of Legal Affairs,
Shastri Bhawan,
New Delhi.

Respondent

ORDER

Dated: 26/05/2016

The Appellant was present.

2. The Appellant being aggrieved by the decision of CPIO dated 3.3.2016 has filed the present Appeal under the provisions of Section 19(i) of the RTI Act, 2005.
3. The Appellant vide his RTI Appeal dated 23.4.2016 had sought following information:-
 - (i) Is this the forge case as Anand Ranjan, s/o Shri Janamajay Prasad Sah, being a permanent resident of Jharkhand state, has also obtained OBC certificate from Bihar state & took admission in Jawaharlal Nehru University (JNU), New Delhi, in 2012. Kindly provide all the reasons & laws & act regarding this.
 - (ii) If it is not a forge case then what are the reasons behind it, kindly provide all the reasons & laws & act regarding this..
 - (iii) Can Anand Ranjan, s/o Shri Janamajay Prasad Sah be debarred from Jawaharlal Nehru University, New Delhi, as currently he is a M.A.(Spanish language) 1st year student in JNU, Delhi on the ground of getting forge

OBC certificate from Bihar state & getting admission in JNU on OBC certificate from Bihar state, kindly provide all the reasons & laws & act regarding this.

- (iv) Can his B.A. marks sheet & degree certificate obtained from Jawaharlal Nehru University, New Delhi become invalid, kindly provide all the reasons & laws & act regarding this
- (v) Can Anand Ranjan, S/O Shri Janamajay Prasad Sah, be punished for this type of forge case, if yes then what are punishment & criminal procedure for this type of forge case, kindly provide all the reasons & laws & act regarding this.

4. The Respondent CPIO vide his letter dated 3.3.2016 transferred the RTI application to Ministry of Human Resource Development and Chief Secretary, Jharkhand. The Ministry of HRD in turn transferred the application to JNU.

5. Heard both the parties present during the hearing. The Respondent contended that the information sought by the applicant is in the nature of seeking legal advice and does not come within the meaning of information as defined in Section 2 (h) of the RTI Act, 2005.

6. After hearing both the parties and perusal of records, I come to the conclusion that the information sought by Shri Anand is in the nature of query amounting to seeking legal advice as he wants to know the penal provision for obtaining education degree on the basis of forge certificates and the Department of Legal Affairs cannot provide legal advice to private individuals. The Respondent CPIO was right in transferring the RTI application to Ministry of HRD and the Govt. of Jharkhand.

7. The appeal is dismissed accordingly.

8. In case the Appellant is not satisfied/aggrieved by this order, he may file an Appeal within 90 days before the Hon'ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delh-110066.

30/5/16

R. Yadav
(R. Yadav)
Addl. Secretary (Appellate Authority)
Tele:-23384140

To

1. Shri A. Anand, Room No. 11, House No. 160E/4A, Munirka Village, New Delhi-110067.
2. Shri K. Ginkhan Thang, Dy. Secretary & CPIO, Deptt. Of Legal Affairs, Shastri Bhawan, New Delhi.
3. RTI Cell, Deptt. Of Legal Affairs, Shastri Bhawan, New Delhi-110001.

KSP
30/5/16