

**BEFORE DR. GITA RAWAT, JOINT 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.21(162)/2014-IC

Date: 29.05.2014.

In the matter of

Shri R.K. Jain
1512 B, Bhishm Pitamah Marg,
Wazir Nagar,
New Delhi

Appellant

Versus

Central Public Information Officer
Ministry of Law & Justice
Department of Legal Affairs
Shastri Bhawan
NEW DELHI – 110001

Respondent

Date: 29.05.2014

ORDER

The appellant has filed an appeal on 10.3.2014 and again on 25.4.2014 on the same issue received on 20.3.2014 and 11.5.2014 under Section 19 of the RTI Act for not getting the information furnished by the CPIO, the respondent vide letter NO. 21(162)/2014 dated 11.4.2014.


Brief facts of the case:

1. The appellant vide his application dated 1.2.2014 received on 18.2.2014 sought information relating to the records of FAA.
2. The respondent has collected the information from the concerned sections of this Ministry and sent the reply to the appellant vide letter No. 21(162)/2014-IC dated 11.4.2014.
3. Being aggrieved with the information of the respondent the appellant has filed an appeal received on 1.5.2014..

4. I undersigned have been appointed as Appellate Authority in the matter on. After perusal of the facts of the case it appears that no hearing is required in this matter.

Observation

5. On perusal of the record it appears that the information furnished by the respondent vide letter dated 11.4.2014 is the substantive response for the information asked by the application in his original application dated 1.2.2014.
6. I have assessed the facts and circumstances of the case and come to the conclusion that the CPIO, the respondent has acted as per provisions of Act. In view of keeping the principles of natural justice the appeal is rejected.
7. The appellant may kindly note that since the proceeding has been closed, no further hearing may be conducted in this matter. Moreover, if there is any grievance against the order of the Appellate Authority, he may file second appeal before the Hon'ble CIC sitting at 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066(within 90 days) i.e period as prescribed under the provision of RTI Act, 2005.


29/5/14
(DR. GITA RAWAT)
Joint Secretary & Appellate Authority
Date: 29.5.2014

Copy to:

1. Shri R.K. Jain, 1512 B, Bhisim Pitamah Marg, Wazir Nagar, New Delhi
2. Smt. Asha Sota, CPIO/Under Secretary, Deptt. of Legal Affairs.

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First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-825/(7814/14)/Appeal/15038

Dated : 25-04-2014

To

Dr. Gita Rawat
Joint Secretary & Legal Adviser/1st Appellate Authority
Ministry of Law & Justice, Dept. of Legal Affairs
Room No. 408, 'A' Wing 4th Floor
Shastri Bhawan
New Delhi - 110001

A. Contact Details :

| | | |
|----|-----------------------|--|
| 1. | Name of the Appellant | R.K. Jain |
| 2. | Address | 1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003 |

B. Details About RTI Request :

| | | | |
|----|---|--|---|
| 1. | Particulars of the CPIO against whose order appeal is preferred | (a) Name | (1) Mr. K. Ginkhan Thang CPIO (2) Shri S.K. Padhi, PPS to First Appellate Authority |
| | | (b) Address | Ministry of Law & Justice Department of Legal Affairs Implementation Cell Shastri Bhawan New Delhi - 110001 |
| 2. | Date of submission of application (Copy of application attached) | 01-02-2014 | |
| 3. | Details of the order appealed against | F.T.S. No.21(162)/2014-IC dated 11-4-2014 | |
| 4. | Prayer or relief sought | See Prayer clause at the end | |
| 5. | Last date for filing the appeal | 11-5-2014 | |
| 6. | Whether Appeal in Time. | Appeal in time | |
| 7. | Copies of documents relied upon by the applicant | (1) Copy of RTI application dated 1-2-2014. (Annexure-1) | |



F. T.S.No.21(162)/2014-IC
Government of India
Ministry of Law & Justice
Department of Legal Affairs
IMPLEMENTATION CELL

Shastri Bhawan, New Delhi.
Dated 11.4.2014

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jst

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To ✓
Shri R.K.Jain,
1512-B, Bhishm Pitmah Marg,
Wazir Nagar,
New Delhi-10003.

Subject: Information under RTI Act.

Sir,

I am to refer to your letter no. RTI/P-298/7814/14 dated 1.2.2014 (received on 18.2.2014) on the subject mentioned above and to furnish the information as follows: -

(A) Copy of the Order No. 102/2013 appointing Dr. Gita Rawat, JS & LA as First Appellate Authority is enclosed.

(B)

| S.No. | Quater | Number |
|-------|------------------------|--------|
| 1. | April - June, 2012 | 26 |
| 2. | July- September, 2012 | 47 |
| 3. | October-December, 2012 | 32 |
| 4. | January - March 2013 | 38 |
| 5. | April - June, 2013 | 47 |
| 6. | July - September, 2013 | 58 |
| 7. | October-December, 2013 | 106 |
| 8. | January to March 2014 | 39 |

(C) & (D) Prior to the appointment of Dr. Gita Rawat, as First Appellate Authority, Dr. M.K.Sharma, Additional Secretary, was the First Appellate Authority whose staff used to maintain the receipt register. During his tenure 109 appeals, were received. No records prior to that are available with the RTI Cell. As regards appeals received during the tenure of Dr. Gita Rawat, the information furnished by the PPS to the First Appellate Authority is enclosed.

(E) No Appeals are pending as on 31.3.2014.

(F), (G) & (H) The information sought would divert considerable amount of resources of the section. You are, therefore, requested to visit the RTI Cell of the Department on mutually convenient date and time and inspect all the RTI records. Copies of the required documents would be provided to you on the spot. For inspection of the records in RTI Cell you are requested to kindly inform the undersigned in advance

2. There is some inadvertent delay in furnishing the information which is unintentional and is regretted

3. Dr. Gita Rawat, Joint Secretary & Legal Adviser, Ministry of Law & Justice, Department of Legal Affairs, Room No. , Room No. 408, 'A' Wing, 4th floor, Shastri Bhawan, New Delhi-110001, Tel No. 23384777, is the 1st Appellate Authority. The period of limitation for filing the 1st Appeal is 30 days.

Yours faithfully,

(K.Ginkhan Thang)

Central Public Information Officer
23384706.

F.No.A.60011/54/2013-Admn.I (LA)
Government of India
Ministry of Law and Justice
Department of Legal Affairs

Shastri Bhawan, New Delhi,
Dated the 8th August, 2013

ORDER NO. 102/2013

Consequent upon approval of the Appointments Committee of Cabinet (ACC), Shri N.L. Meena, Additional Secretary, is appointed as Member-Secretary, Law Commission of India w.e.f. the forenoon of 8th August, 2013.

2. Smt. Gita Rawat, JS&LA, who was functioning as Secretary, Law Commission of India is transferred to Group-I headed by Dr. S.S. Chahar, Additional Secretary in this Department. She will report to Dr. S.S. Chahar for Advice matters.

3. Smt. Gita Rawat, JS&LA, shall function as the First Appellate Authority for RTI matters in place of Dr. S.S.Chahar, Additional Secretary.



(Anil Kumar Joshi)

Under Secretary to the Govt. of India

Copy to:

1. All Group Heads.
2. Shri N.L.Meena, Addl. Secretary, Legislative Department.
3. Dr. S.S.Chahar, Additional Secretary.
4. Dr. (Smt) Gita Rawat, JS&LA.
5. PS to MLJ/ PPS to Law Secretary/PS to Additional Secretaries/JS&LAs.
6. Secretary, Legislative Department.
7. Under Secretary, Law Commission of India, HT Building, New Delhi
8. Under Secretary EO (SM.II), Department of Personnel and Training w.r.t communication No.14/11/2013-EO(SM.II) dated the 7th August, 2013.
9. All Officers & Sections in the Department of Legal Affairs.
10. SSA, NIC Cell with the request to upload the above Order on the website of the Department.
11. Office order folder.

Government of India
Ministry of Law & Justice
Department of Legal Affairs

Shastri Bhavan, New Delhi
Dated: 05.03.2014

Subject: Information sought by Shri R.K.jain under RTI Act- regarding

The undersigned has received an OM No. FTS No. 21(162)/2014-IC on 4.3.2014 regarding information sought by Shri R.K.Jain under RTI Act regarding issue no. B to E as mentioned in his request dated 01.02.2014.

2. The issue B, C, D & E of his request are related to the record of First Appellate Authority regarding maintaining appeals receipts etc.

ELL

3. In this regard it is to state that the First Appellate Authority was not appointed through a notification but an additional charge was given to her in addition to routine duties.

4. In view of the policy of the Government regarding e-office for saving of stationery no separate record has been made by the First Appellate Authority of the appeals but appeal was decided in the file of RTI Section and correspondences were made on the file of the RTI Section. Due to shortage of staff and to save stationery, the Appellate Authority has not maintained any separate Register. The Applicant may see the record of First Appellate Authority in the record of the RTI Section. No order has been maintained by the First Appellate Authority in a separate folder. The orders passed by the First Appellate Authority were sent to the RTI Section in its original folder.

(S.K.Padhi)

PPS to First Appellate Authority

Central Public Information Officer
Department of Legal Affairs

Application under Section 6 of the Right to Information Act, 2005

d/c
Annexure-1

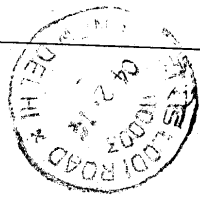
Ref. No. :RTI/P-298/7814/14
Dated : 1-2-2014

(8)

To

Mr. K. Ginkhan Thang
CPIO
Ministry of Law & Justice
Department of Legal Affairs
Shastri Bhawan
New Delhi - 110001

| | | |
|----|---------------------------------|--|
| 1. | Name of the Applicant | R.K. Jain |
| 2. | Address | 1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003 |
| | (b) Phone Nos. | 09810077977, 011-24651101, 011-24690707 |
| | (c) Fax No. | 011-24635243 |
| 3. | Whether a Citizen of India | Yes |
| 4. | Particulars of Information | |
| | Details of information required | (A) Please provide the date from which Ms.Gita Rawat has been appointed as the First Appellate Authority in the Deptt. of Legal Affairs and provide a copy of the relevant Order. (B) Please provide month-wise number of first appeals filed from 1-1-2012 till the date of providing the information. (C) Please provide copy of the First Appeal Receipt Register for Deptt. of Legal Affairs from 1-1-2011 till the date of providing the information. (D) Please provide copies of all the Orders passed by Ms.Gita Rawat First Appellate Authority. Note: These orders are required to be voluntarily disclosed on the website as per DOPT Directive in OM No.1/6/2011-IR dated 15-4-2013 and the applicant is compelled to move this application to seek copies of these orders on payment of fees. In these circumstances, section 7(9) is inapplicable as there is obligation on the public authority to make pro-active disclosure of this information. (E) Please provide list of the first appeals under the RTI Act, which were still pending as on 1-1-2014 or any other date of January, 2014, as is convenient to you. |



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| | <p>(F) Please provide RTI application Receipt Register for Deptt. of Legal Affairs from 1-1-2013 till providing the information and number of RTI applications which are pending as on 2-2-2014 or any other date upto 15-2-2014, as is convenient to you.</p> <p>(G) Please provide list of files and records from which the information as sought above is provided by you.</p> <p>(H) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p> |
| 5. | I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 |
| 6. | A Postal Order No. 21F 968665 for Rs. 10 towards payment of fee is enclosed herewith. |

Signature of Applicant
Telephone No. : 9810077977
011-24651101, 24690707
Fax No. 011-24635243

Place : New Delhi
Encl. : as above
Hira/—7814
rta