

BY SPEED POST

BEFORE SHRI G.S. YADAV, JOINT SECRETARY & LEGAL ADVISER & FIRST
APPELLATE AUTHORITY (NOTARY)

(Under Section 19 of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM
NO. 406-B 'A' WING, SHASTRI BHAWAN, NEW DELHI-110001

Appeal No.30/JS&LA(ZH)/NC/2015

IN THE MATTER OF:

Shri Rajiv Kapur
31 D, Mansarovar Apartment
Sector - 61
NOIDA - 201303
Uttar Pradesh

Appellant

Versus

Central Public Information Officer(N)
Ministry of Law & Justice
Department of Legal Affairs
Shastri Bhavan
New Delhi - 110001

Respondent

ORDER

24.2.2015

The present appeal dated 23.1.2015 has been preferred by the appellant against the reply dated 5.1.2015 given by CPIO. The appeal has been received in this office on 04.2.2015 and today's date, i.e. 24.2.2015 was fixed for hearing.

2. Notices were served but despite service of notices, appellant has not turned up whereas CPIO is present in person. Because appellant has not turned up, as such, the appeal is being disposed of hearing the CPIO and the material available on record.

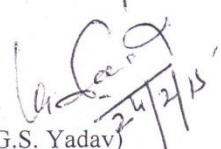
3. It is evident from the reply given by the CPIO that the appellant vide his application dated 19.12.2014 has asked the advice with respect to steps that need to be taken by the Notary Public if the Notarial Register is damaged. The same was replied by the CPIO by letter dated 5.1.2015 stating therein that information sought by the appellant in his application dated 19.12.2014 is an advice matter which does not come within the purview of the provisions of the RTI Act. Section 2(f) of the RTI Act defines the term 'information'. The said information can be provided if it is

accessible. The issue has also been taken care of by the Hon'ble Supreme Court in a matter reported in AIR 2010 SC page 615 Khanapuram Vs. administrative officer and the finding of the Hon'ble Supreme Court in the above-said case supports the reply given by the CPIO in the present matter.

4. In view of the above, the request in the application dated 19.12.2014 is specific to advice, as such, the appeal appears to be devoid of merit and deserves to be dismissed. The same is dismissed 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.

The parties be informed accordingly.


(G.S. Yadav)

Joint Secretary & Legal Adviser &
First Appellate Authority
Date: 24.02.2015

1. Shri Rajiv Kapur, 31 D, Mansarovar Apartment, Sector – 61, NOIDA, Uttar Pradesh.
2. DLA & CPIO (Notary), Department of Legal Affairs, Ministry of Law & Justice, Shastri Bhawan, New Delhi – 110001.
- ✓ 3. RTI Cell, Department of Legal Affairs, Shastri Bhawan, New Delhi-110001.