



**Central Information Commission**

**Room No. 305, 2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhavan,**

**Bhikaji Cama Place, New Delhi-110066**

Web: [www.cic.gov.in](http://www.cic.gov.in) Tel No: 26167931

**Case No. CIC/SS/A/2011/001308**

**Dated: 12.04.2013**

Name of Appellant : Shri Harishankar Tiwari  
Name of Respondent : Ministry of Law & Justice,  
Department of Legal Affairs  
Date of Hearing : 25.03.2013

**ORDER**

Shri Harishankar Tiwari (Now lodged in Central Jail, Varanasi), hereinafter called the appellant, has filed the present appeal dated 11.4.2011, before the Commission against the respondent the Ministry of Law & Justice, Department of Legal Affairs for not providing information in response to his RTI-application dated 18.1.2011. The appellant was heard through videoconference whereas the respondent were represented by Shri Nirmal Singh, Director/CPIO and Shri Jagdish Kumar, Section Officer.

2. The appellant who is a life convict and presently lodged in Central Jail, Varanasi, through his RTI application dated 18.1.2011 sought information in respect of reopening/review of his case. The CPIO vide his letter No. 21(129)/2011-IC dated 1.2.2011 informed the appellant that the RTI Act extends only to seeking information as defined in Section 2(f) of the RTI Act. The information sought by him amounts to seeking legal opinion and hence, the same was not covered within the ambit of the definition of 'information' as given u/s 2(f) of the RTI Act.

3. However, not satisfied with the reply of the CPIO, the appellant filed first appeal on 3.3.2011 before the FAA. The FAA vide his order No. 23(28)/2011-IC dated 10.3.2011 has observed that the appellant in the present case, is a life convict and lodged in Central Jail Shivpur at Varanasi (UP). On perusal of record, it is revealed that the appellant has been sentenced by Court of law after observing due procedure of law. The appellant is not satisfied with the conviction awarded by the Court of law as such the appellant wants that all criminal cases in which he was sentenced to life imprisonment were false and they should be again opened and reinvestigated by the agencies involved therein. The FAA dismissed the appeal on the grounds that the subject matter of appellant's RTI request dehors Section 2(f) of the RTI Act and is therefore not legally tenable.

4. Having considered the submissions of the parties and perused the relevant documents on file, the Commission is of the view that the appellant's RTI request does not fall within the ambit of the definition of 'information' as provided u/s 2(f) of the RTI Act, 2005. The decision of the FAA is therefore upheld.

The matter is disposed of on the part of the Commission.

**(Sushma Singh)**  
**Information Commissioner**

Authenticated true copy:

(K.K. Sharma)  
OSD & Deputy Registrar

Address of the parties:

Shri Hari Shankar Tiwari,  
Through Superintendent,  
Central Jail, Shivpuri,  
Varanasi-221002 (U.P.)

The Director/CPIO,  
Ministry of Law & Justice,  
Department of Legal Affairs,  
Shastri Bhawan,  
New Delhi-110001.

The Joint Secretary & Legal Adviser/FAA,  
Ministry of Ministry of Law & Justice,  
Department of Legal Affairs,  
Shastri Bhawan,  
New Delhi-110001.