

Central Information Commission

Room No. 305 B-Wing, August Kranti Bhawan,
Bhikaji Kama Place, New Delhi – 110066
Tel No: 26167931

Case No. CIC/AT/A/2010/001123

Name of the Appellant : Mr. P.P. Kapoor
(The Appellant was not present)

Name of the Public Authority : Ministry of Law & Justice.
Deptt. of Legal Affairs
Represented by Mr. Nirmal Singh and Mr.
Jagdish Kumar.

The matter was heard on : 28.9.2011

ORDER

Mr. R. P. Kapoor, the Appellant in his 2nd appeal filed before the Commission submits that he has not received any reply to his RTI application dated. 9.6.20120. The CPIO, Department of Legal Affairs, vide letter dated 13.7.2010 informed the Appellant that D/o Justice being the concerned department for providing information to the Appellant, the RTI application has been forwarded to the Department of Justice for appropriate action. The FAA Shri M.A. Khan Yusufi, Joint Secretary, Ministry of Law & Justice, vide his order dated 23.7.2010 held that the Appellant may approach to CPIO, Department of Justice for necessary information in the matter. Thereupon the CPIO, Department of Justice, has addressed a letter dated 16.9.2010 to Shri M.A. Khan Yusufi, Appellate Authority, Department of Legal Affairs, stating therein that that since the subject matter of the RTI application i.e. release of under trials pertains to the Judicial Division of the Ministry of Home Affairs, the CPIO, Department of Justice unable to accept the order of the FAA.

The CPIO/Dy. Secretary, Department of Justice should have transferred the RTI application to the Judicial Division of Ministry of Home Affairs u/s 6(3) of the RTI Act instead of referring the matter back to the FAA of Department of Legal Affairs. The Commission therefore directs the CPIO, Department of justice, Ministry of Law & Justice to transfer the RTI application u/s 6(3) of the RTI Act to the CPIO, Judicial Division, Ministry of Home Affairs, within 5 days of receipt of this order.

With these directions the matter is disposed of on the part of the Commission.

Sd/-
(Sushma Singh)
Information Commissioner
29.9.2011

Authenticated true copy

(K. K. Sharma)
OSD & Dy. Registrar

Copy to:

1. Mr. P.P. Kapoor,
81/5, Manav Vihar,
Jorasi Road,
Samalkha-132101,
Panipat, (Haryana).

2. The C.P.I.O.
Shri S.K. Shrivastava,
Deputy Secretary,
Ministry of Law & Justice,

Department of Justice,
Jaisalmer House, Mansingh Road,
New Delhi.

3. The First Appellate Authority,
Shri M.A. Khan Yusufi,
Joint Secretary,
Ministry of Law & Justice,
Department of Legal Affairs,
Shastri Bhawan, New Delhi – 110001.