



Central Information Commission

Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,

Bhikaji Cama Place, New Delhi-110066

Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/A/2012/000392

Dated: 31.08.2012

Name of Appellant : Shri Ram Naresh
Name of Respondent : Ministry of Law & Justice,
Department of Legal Affairs
Date of Hearing : 30.05.2012

ORDER

Shri Ram Naresh, hereinafter called the appellant has filed the present appeal dated 12.10.2011 before the Commission against the respondent Ministry of Law & Justice, Department of Legal Affairs, New Delhi for not providing complete information in reply to his RTI-application dated 25.4.2011. The matter came for hearing on 30.05.2012. The appellant was present whereas the respondent were represented by Shri Nirmal Singh, CPIO and Shri Jagdish Kumar, Section Officer.

2. The appellant had filed an application dated 25.4.2011 under the provisions of the RTI Act seeking to know therein the action taken on his application submitted in 2003 for his appointment as Notary Public in District Kheri Lakhimpur. The appellant states that he has been intimated vide letter No. 141/2004/NC dated 29.3.2011 that his application was not in accordance with the amended Notaries Rules, 2009, the same was returned to him with the request to submit a fresh application in terms of Notaries (Amendment) Rules, 2009, i.e. being forwarded through the concerned District Judge or the Presiding Officer of

the Court or Tribunal where he/she practices as an Advocate. According to the appellant, no action was taken on his application submitted in 2003 and it was returned to him only on 29.3.2011 after the Notary Rules had been amended in 2009 asking him to submit a fresh application. In this background the appellant seeks to know the names of persons appointed as Notary Public from Kheri Lakhimpur District during the period 2003-2011. The CPIO vide his letter dated 18.5.2011 has informed the appellant that the information sought by him in respect of other persons who might have applied, cannot be provided in terms of Section 7(9) of the RTI Act as providing of such information would disproportionately divert the resources of the public authority.

3. Not satisfied with the reply of the CPIO, the appellant preferred first-appeal on 19.6.2011. The FAA vide his order dated 11.7.2011 has upheld the reply of the CPIO.

4. During the hearing the appellant submits that there are persons in Kheri Lakhimpur District who have been appointed as Notary Public during this period, whereas his own application was kept pending and then returned to him by quoting amendment in the Notary Amendment Rules, 2009.

5. In view of the facts and circumstances of the present case, and in the interest of transparency and accountability, the Commission hereby directs the CPIO to provide the details of those persons who have applied during 2003-2009 period i.e. after receipt of appellant's application and have been appointed as Notary Public from Kheri Lakhimpur. The CPIO will also inform the appellant of the chronology of action taken on his application. The CPIO will also inform the appellant the reasons for keeping his case pending during this very period. The CPIO would comply with the directions of the Commission **within three weeks** of receipt of this order.

The matter is disposed of with the above directions.

(Sushma Singh)
Information Commissioner

Authenticated true copy:

(K.K. Sharma)
OSD & Deputy Registrar

Address of the parties:

Shri Ram Naresh,
Advocate,
Village Iqbalpur,
Post: Ruderpur Kalan (Lagucha),
District Kheri-Lakhimpur-262721 (UP)

The CPIO,
Ministry of Law & Justice,
Department of Legal Affairs,
Implementation Cell,
Shastri Bhavan,
New Delhi-110001.

The First Appellate Authority,
Ministry of Law & Justice,
Department of Legal Affairs,
Implementation Cell,
Shastri Bhavan,
New Delhi-110001.