

सूचना का अधिकार अधिनियम, 2005

नियत तिथि/Due date -24.01.2014

TIME BOUND/RTI MATTER

खान मंत्रालय

शास्त्री भवन : नई दिल्ली

विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत प्राप्त आवेदन ।

श्री. एहतेशाम कु, सिद्दीकी, मुंबई से प्राप्त आवेदन दिनांक 21.12.2013 को इस पत्र के साथ उचित कार्यवाई हेतु प्रस्तुत किया जा रहा है ।

2. सूचना का अधिकार अधिनियम, 2005 की धारा 6(3) के अनुसार यदि मांगी गई सूचना का विषय अन्य सरकारी कार्यालय से जुड़ा/सम्बद्ध है तो वह अधिकारी, जिसको आवेदन भेजा गया है, ऐसे आवेदन को संबंधित सरकारी अधिकारी/कार्यालय को, आवेदन की प्राप्ति की तारीख से यथाशीघ्र लेकिन 5 दिनों के भीतर स्थानांतरित कर सकेगा तथा इस बारे में आवेदक को भी सूचित करेगा।

3. आपसे अनुरोध है कि उक्त आवेदन को आर.टी.आई. ऑनलाईन पोर्टल में प्राप्ति के तीन दिनों में तुरंत प्रविष्ट करके आवेदक को पावती भेजी जाए एवं सूचना का अधिकार अधिनियम, 2005 के नियमों का पालन करते हुए उसपर निर्धारित समय में कार्यवाई की जाए ।

21/12/13

(राजेश शाह/Rajesh Shah)

ए.सी.पी.आई.ओ./ACPIO

संलग्न: FTS 18823

श्री. अजय कुमार कादियान, अवर सचिव (M-VI)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. ए.के. मलिक, अवर सचिव (Met.III)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. अजय कुमार कादियान, अवर सचिव (M-III)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. प्रभात कुमार, अवर सचिव (IF)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. एम.आर. सत्यनारायणन, अनुभाग अधिकारी (M-I)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. अरूण कुमार मंडल, अवर सचिव (M-II)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. अरूण कुमार मंडल, अवर सचिव (Met.I)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. संजय कुमार, अनुभाग अधिकारी (Met.II)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. संजय सिंह, अनुभाग अधिकारी (Cdn.)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. सुरेंद्र केरई, अनुभाग अधिकारी (M-V)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. ए.के. मलिक, अवर सचिव (Cash)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्री. वंगारा प्रसाद, अनुभाग अधिकारी (Admn.)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

श्रीमती. आभा मिश्रा, अवर सचिव (Met.IV)/केन्द्रीय लोक सूचना अधिकारी, खान मंत्रालय

पी.आई. सैल/PI Cell U.O. No. 2226/2013-पी.आई. दिनांक/Dated 26.12.2013

198

APPLICATION U/S 6(1) OF THE RIGHT TO INFORMATION ACT 2005

TO: The Central Public information officer  
ministry of mines, Room No. 322  
A-wing, Shashtri Bhavan,  
New Delhi - 110001

(1) FULL NAME OF THE APPLICANT:

Ehtesham Qutubuddin Siddiqui

(2) ADDRESS:- UT-49, Anda cell, Mumbai Central prison,  
Arthur Road, Mumbai - 400011, M.S.

(3) PARTICULARS OF THE INFORMATION REQUIRED:

(i) Subject matter of the information:- publications, expenses, etc,

(ii) The period to which information relates:- Current

(iii) Description of the information Required:-

a. kindly furnish the published copy of all books, Research and all other publications published by ministry of \_\_\_\_\_ mines and its all branches in all over india in 2013.

b. kindly furnish the Diary & Calender of the year 2014 Published by M/o mines \_\_\_\_\_ and all its branches.

c. kindly furnish the details of total expenses carried out in M/o mines \_\_\_\_\_ and its all branches in year 2013.

(iv) Whether the information is required by post/in person:-

By Speed/Registered Post.

(4) WHETHER THE APPLICANT IS BELOW POVERTY LINE?

Yes, proof is the order of Registrar (Finance & Budget), High Court, Bombay, which declares the applicant under below poverty line category due to confinement in jail is annexed hereto marked as EXHIBIT-A (Page 2-4 read para 3 & 4). Hence no such fee shall be charged U/S 6(1), 7(1) & 7(5) of RTI Act 2005, and therefore all the information sought shall be provided in free of cost.

MUMBAI

21.12.2013

*[Signature]*

DT Cell  
26/12

C-file-02/198/2013-P1

Before the Appellate Authority, Registrar (Finance & Budget),  
High Court, Mumbai

R.T.I. FA. NO. 180 OF 2011

R.I.A APPLICATION NO. 943 OF 2011

Under Section 19(1) Act, 2005

Ehtesham Qutubuddin Siddiqui

...Appellant

v/s.

Public Information Officer,  
High Court, Bombay

...Respondent

Facts :

1. The Appellant claims to be an Under Trial Prisoner No.202 presently lodged in "Anda" cell, Central Prison, Arthur Road, Mumbai. He moved an application seeking information which can be reproduced as below :

- a) Kindly furnish the True/certified copy of all documents related to Cri.Writ Petition No.1377/2008, alongwith Judicial enquiry report filed by Hon'ble Principal Judge, Mumbai.
- b) Kindly furnish the copy of all Judgments of High Court Bombay delivered for the offence related to MCOCA 1999, of the period between 1999 to till date.
- c) Kindly furnish the copy of all Judgments of High Court delivered regarding CDR(calls details record) of mobile phone.

2. The Public Information Officer by impugned communication dated 2<sup>nd</sup> December, 2011 rejected the application on the grounds that information sought for relates to Judicial functions and proceedings and therefore, exempted from disclosure under Rule 13(b) of Bombay High Court Right to Information(Revised) Rules, 2009, inter-alia, informed the Appellant that in view of voluminous record it would be practically difficult to supply the information as it would disproportionately divert the resources of public authority.

Dissatisfied with the said communication, Appellant has preferred the instant appeal.

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3. Undoubtedly, Appellant is an under trial prisoner. He has a right to seek information under the Right to information Act. The Right to Information Act is silent on the point as to whether a convict or an under trial prisoner can be considered to be a person below poverty line; Nevertheless, it can definitely be construed that a convict or an under trial prisoner is a person who is below poverty line by resorting to clause(g) of Section 12 of the Legal Service Authorities Act, 1987 which provides for a "legal service to a person who is in custody.....".

4. The proviso to Rule 5 of Section 7 of the Right to Information Act, 2005 also postulates and I quote " provided that fees under Section 6(1) and Section 7(1) &(5) shall be reasonable and no such fee shall be charged on the person who are below poverty line".

Rule (19) of the Bombay High Court Right to Information(Revised)Rules, 2009 provides "An applicant living below the poverty line shall, on production of a copy of the certificate issued by the Competent Authority alongwith the application, be provided the desired information and copies free of cost under these Rules.

5. Turning back to the information sought for at item No.3(iii)(a), the Appellant is entitled to seek certified copy of all the documents related to Criminal Writ Petition No.1377/08. The Public Information is directed to supply the information to the Appellant within 15 working days from the date of receipt of this order.

6. As regards Item No.(b)and(c), the Appellant has sought copies of all Judgments of High Court for the offence related to MCOCA for the period between 1999 till date and copies of all Judgments of High Court delivered regarding the call details record of Mobile Phone. The Appellant is not entitled to seek these informations for the reasons enumerated by Public Information Officer in Para 2 of the impugned communication. The Public Information Officer has rightly informed the Appellant that the aforesaid information can be had by taking search

and inspection of relevant record as per the procedure prescribed in the Bombay High Court, Original as well as Appellate Side Rules.

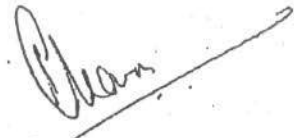
7. In view of the foregoing discussion the appeal is partly allowed to the extent as above.


8. The Public Information Officer is directed to supply the information sought for by the Appellant at Para 3(iii)(a) within a period mentioned hereinabove.

9. The Appeal stands disposed of in terms of above.

The Appellant be informed accordingly.

Dated : 31<sup>st</sup> January, 2012

  
Registrar(Finance & Budget)  
First Appellate Authority

  
for P.I.O. High Court, Bombay

To,

Date: 06.01.2014

Mr. Amit Choubey  
Section Officer and CPIO  
Govt of India, Ministry of Mines  
Shastri Bhawan  
New Delhi - 110001

Sub: Information sought under RTI Act, 2005.

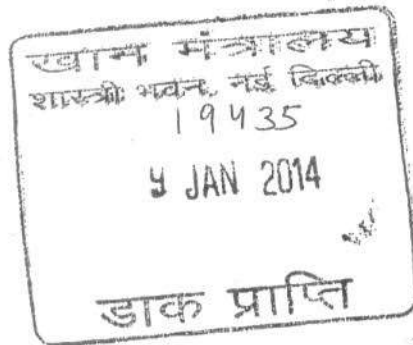
Sir,

With reference to your letter dated 26.12.2013 (Ref no: 9/1/2013-M.IV), the "Demand Draft" in favour of "Accounts Officer, Ministry of Mines" payable at New Delhi is enclosed.

Yours faithfully,



(Arvind Kumar Tripathi)



Note: Enclosures as above

P1 Cell.

P1. supply information.

US (M-IV) / CPIO

सि 10/1/14

2/198/2013-P1  
dt. 28/1/13.  
Nav.



भारतीय स्टेट बैंक  
State Bank of India  
Issuing Branch: BIKASH BHABAN, CALCUTTA  
चौक नं. / CODE No: 07816  
चौक नं. 03300-235999

मागड्राफ्ट  
DEMAND DRAFT

06012014  
DDMMYY

मांगे जानेपर ACCOUNTS OFFICER MINISTRY OF MINES

या उनके आदेश पर

QN DEMAND PAY

OR ORDER

रुपये RUPEES Fifty Only

अदा करें ₹ 50.00

IOI 000323752004

Key: VOHLEW

Sr. No. 178036

AMOUNT BELOW 51(5/2)

मूल्य प्राप्त / VALUE RECEIVED



भारतीय स्टेट बैंक

STATE BANK OF INDIA

अदाकर्ता शाखा / DRAWEE BRANCH SERVICE BRANCH, NEW DELHI  
चौक नं. / CODE No: 07887

*Ananya Kulkarni*  
A5287

प्राधिकृत हस्ताक्षरकर्ता  
AUTHORISED SIGNATORY

शाखा प्रबंधक  
BRANCH MANAGER

कम्प्यूटर द्वारा मुद्रित होने पर ही वैध  
VALID ONLY IF COMPUTER PRINTED

केवल 3 महीने के लिए वैध  
VALID FOR 3 MONTHS ONLY

₹ 1,50,000/- एवं अधिक के लिखत दो अधिकारियों द्वारा हस्ताक्षरित होने पर ही वैध है।  
INSTRUMENTS FOR ₹ 1,50,000/- & ABOVE ARE NOT VALID UNLESS SIGNED BY TWO OFFICERS

⑈ 752004 ⑈ 0000020001 ⑈ 000323 ⑈ 16