

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/PRSEC/A/2021/650511**

Shri Prashant Vilas Dhasal

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण / Respondent

1. President's Secretariat
2. Cabinet Secretariat
3. PMO
4. O/o Legislative Department, M/o Law & Justice

Date of Hearing : 03.01.2023

Date of Decision : 10.02.2023

**Chief Information Commissioner : Shri Y. K. Sinha**

**Relevant facts emerging from appeal:**

RTI application filed on : 16.12.2020  
PIO replied on : 23.12.2020 & 22.01.2021  
First Appeal filed on : 16.03.2021  
First Appellate Order on : 21.05.2021  
2<sup>nd</sup> Appeal/complaint received on : 27.10.2021

**Information sought and background of the case:**

The Appellant filed an RTI application dated 16.12.2020 seeking information on following 04 points:-

1. Kindly provide me information in YES/NO format if CPIO at president office has reviewed the enclosure RTI response of CPIO, Cabinet Secretariat (CABST/R/T/20/00190) before replying this RTI which mentions **President of India accepted the resignation of Dr. B. R. Ambedkar from the office as Minister of Law with effect from 11.10.1951.**
2. Kindly provide information in YES/NO format if CPIO has understood the reasons on why this information was asked by applicant.
3. Kindly provide me **certified signed copy of resignation letter** submitted by First law minister of Independent India **Dr. B. R. Ambedkar** as per record when he resigned from the post as a law minister, This resignation has been accepted by President office as per response by CPIO, Cabinet Secretariat Hence its signed copy by Dr B R Ambedkar must be available at President office, Hence it must be provided as per RTI act 2005 u/s 2(F).

4. Kindly provide me information **on reasons recorded** by First law minister of Independent India as per record when he resigned from the post of a law minister of Independent India.

The CPIO, Cabinet Secretariat, vide online reply dated 23.12.2020 intimated as under:-

Reply :- Received on transfer from CPIO, PMO in respect of Points no. 3,4 and 6 of the RTI request.

As per inputs received from the concerned section, the pointwise information is provided below:

Point No.3

As per records available, Dr. B. R. Ambedkar was sworn-in as the first Minister of Law on 15.08.1947. The President of India accepted the resignation of Dr. B. R. Ambedkar from the office as Minister of Law with effect from 11.10.1951. The date of acceptance of the resignation by PM Office may be available with the Prime Ministers Office. No other information on this point is available with this office. Accordingly, for information on the date of acceptance of the resignation of Dr. B. R. Ambedkar from the office as Minister of Law by PM Office, this part of the application is transferred to CPIO, PMO for response. Also, for information about when first Law Minister of independent India took his oath as Law Minister, this part of the application is transferred to CPIO, President Secretariat for response.

Points No.4 and 6.

No such information is available with this office. Accordingly, Points No.4 and 6 of the application are transferred to CPIO, PMO and CPIO Ministry of Law and Justice for response, if any, available with them.

The CPIO/Under Secretary, President Secretariat, vide letter dated 22.01.2021 replied as under:-

1&2. The information as asked for is in the form of a query and not covered in Section 2(f) of The Right to Information Act, 2005. Hence, no information can be provided.

3. After extensive search of the available records in Constitutional Section, no such information as asked for could be provided. As far as the claim, about the information provided to you by the Cabinet Secretariat, this part of the information can only be confirmed by the Cabinet Secretariat. Your RTI application is being transferred to Cabinet Secretariat in addition to Prime Minister Office and Legislative Department, Ministry of Law and Justice for necessary action at their end under RTI Act, 2005. For any further information in this regard, you may approach the concerned authorities to whom your RTI application has been transferred.

4. No information can be provided in view of reply to point No. 3 above.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 16.03.2021. The FAA/JS-cum-SSP, President Secretariat vide letter dated 21.05.2021 stated as under:-

2. The applicant had filed an online RTI application dated 23.12.2020. A reply No. PRSEC/R/E/20/01301 dated 22.01.2021 was sent to the applicant by the CPIO, President's Secretariat. He was informed regarding point No. 1 & 2, that the information as asked for is in the form of a query and not covered in Section 2(f) of the Right to Information Act, 2005. Hence, no information can be provided. With regard to point No. 3, after extensive search of the available records in Constitutional Section, no such information as asked for could be provided. As far as the claim, about the information provided to him by the Cabinet Secretariat, this part of the information can only be confirmed by the Cabinet Secretariat. His RTI application was also transferred to Cabinet Secretariat in addition to Prime Minister Office and Legislative Department, Ministry of Law and Justice for necessary action at their end under RTI Act, 2005. For any further information in this regard, he may approach the concerned authorities to whom his RTI application was transferred. With regard to point No. 4, no information can be provided in view of reply to point No. 3 above. Now, in the appeal filed before First Appellate Authority, President's Secretariat, the appellant has requested to provide for all points asked in original RTI application and send all certified copies via speed post.

3. In this regard, the FAA has sought comments of the CPIO, President's Secretariat on the appeal filed by the appellant. It is reiterated the earlier reply provided to the appellant by CPIO dated 22.01.2021. No new information has been furnished by Constitutional Section of this Secretariat. Due to sudden spread of pandemic Covid-19 and lockdown guidelines, the response could not be provided in time. Inconvenience cause is regretted.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

#### **Facts emerging in Course of Hearing:**

A written submission has been received from the Appellant vide email dated 28.12.2022 which has been taken on record

A written submission was also received from the Nodal Officer (RTI) and Director (OLW), Legislative Department vide letter dated 20.12.2022 wherein it was stated that the CPIO, President's Secretariat transferred the RTI application vide letter dated 20.12.2022. Thereafter, the Legislative Department vide letter dated 02.02.2021 transferred the application to the D/o Legal Affairs as the matter pertained to them.

A written submission was also received from the CPIO and US, Cabinet Secretariat vide letter dated 27.12.2022 wherein a point wise response to the RTI queries was given.

A written submission was also received from the CPIO cum Dy Secretary President's Secretariat vide letter dated 28.12.2022 wherein it was stated that the RTI application/ First Appeal were replied to vide letters dated 22.01.2021 and 21.05.2021 respectively. Furthermore, the following was stated in response to the contentions in the Second Appeal:

In the second appeal dated 26.12.2021, the appellant has challenged the reply and order of the CPIO and the First Appellate Authority of President's Secretariat respectively in regard to his RTI application dated 23.12.2020. The concerned Section as regards point no.1 and 2 of the RTI application, has informed that these points are in the form of query and hence not covered under Section 2(f) of the RTI Act, 2005. However, as regards point no.3 of the RTI application, the concerned Section has made extensive search of the available records at the stage of RTI application, however, no such information could be located and hence no information could be provided on point no.3 of the RTI application dated 23.12.2020. Further as regards point no.4, the concerned Section has informed that no information can be provided in view of reply to point no.3. Also at the stage of first appeal and then at the stage of the Second Appeal, the concerned section has reiterated their earlier reply as has been provided by the CPIO in his reply dated 22.01.2021 and order dated 21.05.2021 of the First Appellate Authority. It is humbly submitted that no further information rests with President's Secretariat.

The Appellant participated in the hearing through video conference. He referred to his written submission dated 28.12.2022 and argued that the resignation letter of Dr B R Ambedkar ought to exist in the record of the PMO or the President's Secretariat as these offices are the sole authorities to accept or deny the resignation of any minister within the council of ministers. He referred to the reply of the Cabinet Secretariat where it was mentioned that the President of India accepted the resignation of Dr Ambedkar from the office of the M/o Law w.e.f. 11.10.1951. Since the resignation was accepted by the Hon'ble President of India, the resignation copy must be available with the President's Secretariat.

The Respondent represented by Shri Parveen Kumar, CPIO and DS, PMO; Shri Navneet Kumar, APIO and SO, Legislative Department; Shri Ajay Saini, SO, President's Secretariat and Shri Kishor Bandopadhyay, CPIO and US, Cabinet Secretariat participated in the hearing through video conference.

Shri Parveen Kumar stated that the RTI application was transferred to the President's Secretariat as acceptance or rejection of resignation letters of ministers fell within the constitutional functioning of the Hon'ble President of India.

Shri Bandopadhyay stated that the Cabinet Secretariat only provides secretarial assistance to cabinet and cabinet committees and rules of business as per the Government of India (Allocation of Business) Rules, 1961. Hence the information requested in the Second Appeal was not available with them. He further stated that the Appellant had filed the Second Appeal mainly against the reply of the President's Secretariat and that no first appeal was filed before the FAA, Cabinet Secretariat.

Shri Saini stated that despite extensive search in the Constitutional Affairs Section, Presidents Secretariat, the document requested by the Appellant could not be located hence no information is available with them as per record.

**Decision:**

Keeping in view the facts of the case and the submissions made by all the parties, the Commission is of the view that only such information that is held and available with a public authority can be provided and no direction can be issued for creation of any record. After examining the detailed submissions made by all the parties, it appears that the custody of the information may lie with the President's Secretariat. However, it a categorical submission from the President's Secretariat that no information is held on their record. Hence, no further intervention can be made by the Commission at this stage. With the above observation, the instant Second Appeal stands disposed off accordingly.

**Y. K. Sinha** (वाई. के. सिन्हा)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy  
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