

Before the Designated First Appellate Authority

Ministry of External Affairs, Government of India

'B' Wing, Jawaharlal Nehru Bhawan, 23-D, Janpath, New Delhi- 110 001

Appeal filed under Section 19(1) of the Right to Information Act, 2005

Date: 06/05/2015

- 1) Name and address of the appellent** : Venkatesh Nayak
#55A, 3rd Floor
Siddharth Chambers
Kalu Sarai, New Delhi- 110 016
- 2) Name and address of the Central Public Information Officer (CPIO) to whom the Application was addressed** : The Central Public Information Officer
Ministry of External Affairs
RTI Cell, Room No. 2021, 'A' Wing
23-D, Janpath
New Delhi- 110 011
- 3) Name and address of the Central Public Information Officer (CPIO) who replied to the RTI application** : Not applicable
- 4) Name and address of the CPIO against whom this appeal is being filed** : The Central Public Information Officer
Ministry of External Affairs
RTI Cell, Room No. 2021, 'A' Wing
23-D, Janpath
New Delhi- 110 011
- 5) Particulars of the RTI application-**
- a) No. and date of submission of the RTI application** : No. RTI/GOI/MEA /2015/3 dated 30/03/2015
- b) Date of payment of additional fee (if any)** : Not applicable.
- 6) Particulars of the order(s) including number, if any against which the appeal is preferred** : NIL
- 7) Brief facts leading to the appeal** :
- 7.1)** On 30/03/2015, this Appellant despatched by Speed Post a request for information along with the prescribed application fee stating as follows (**Annexe 1**):

S. S. Venkatesh Nayak

"I would like to obtain the following information from your public authority under the RTI Act, in relation to India's vote on the Draft Resolution on Human Resource Management (document A/C.5/69/L.9) at the meeting of the Fifth Committee (Administrative and Budgetary) of the United Nations General Assembly held on 24 March, 2015:

- 1) A clear photocopy of all correspondence including emails, telephonic conversations (including mobile phones), and surface mail exchanged between the Indian representative at the said meeting who voted in relation to the said Draft Resolution and the Ministry of External Affairs in New Delhi on the subject matter of the Draft Resolution;
- 2) A clear photocopy of all documents and correspondence that contain the advice sought and received from other Ministries and Departments involved in the issues pertaining to the topic of the said Draft Resolution;
- 3) A clear photocopy of any or all documents containing the gist of the discussions held by the said Indian representative with the representatives of other Member States who voted in favour of or against the said Resolution;
- 4) The designation of the officer or public servant who authorised/directed the Indian representative to vote in favour of the said draft Resolution (name is not required); and
- 5) A copy photocopy of any speech or address delivered by the Indian representative prior to the casting India's vote on the said Draft Resolution.

I would like to point out that the information described above is in the nature of information that ought to have been voluntarily disclosed by your public authority in accordance with Section 4(1)(c) of the RTI Act. As I am unable to find any of the information described above on your official website, I am constrained to make this formal request."

- 7.2)** This Appellant has not received any reply from the CPIO mentioned at para #4 till date. More than 30 days have lapsed from the date of submission of the RTI application to the CPIO mentioned at para #4 above.

8) Prayers or relief sought

This Appellant humbly prays that this First Appellate Authority be pleased to:

- 1) admit this appeal and inquire into the matters raised herein;**
- 2) order the CPIO to disclose all the information sought in the instant RTI application, free of charge, as is this Appellant' right under Section 7(6) of the RTI Act, in view of the inordinate delay; and**

S. S. Venkatesh Nayak

3) issue an official memorandum to the CPIO mentioned at para #4 above to discharge his statutory responsibilities under the RTI Act with greater care and diligence in future.

9) Grounds for the prayer or relief :

9.1) According to Section 7(1) of the RTI Act, a CPIO has only two courses of action while dealing with an RTI application, namely, either supply the requested information on payment of any additional fee or reject the request for any of the reasons specified in Sections 8 or 9 of the RTI Act. According to Section 7(2) of the RTI Act, where a CPIO fails to give a decision within the time limit specified under Section 7(1), it shall be deemed that the request has been refused. According to Section 19(1) of the RTI Act, any person who does not receive any decision from the CPIO within the time limit specified under Section 7(1) may prefer an appeal with an officer senior in rank to the CPIO within thirty days of the date on which such decision ought to have been made. More than 30 days have lapsed since the date of dispatch of the said RTI application to the CPIO mentioned at para #4 above. This Appellant has not received any reply from the said CPIO whatsoever. Under the circumstances of this case, this Appellant believes that the presumption in law expressed in Section 7(2) of the RTI Act has become applicable, namely the instant RTI application stands rejected. This Appellant is aggrieved by the inaction of the said CPIO resulting in the rejection of the RTI application. *Hence the filing of this first appeal before this Hon'ble First Appellate Authority.*

10) I hereby verify that the aforementioned facts are true to the best of my knowledge. I also declare that I have authenticated the Annexes to this appeal.

Signature of the Appellant:

S.S. Venkatesh Nayak

(Venkatesh Nayak)

10/05/15



By Registered Post with AD

विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

RTI Matter
Time-Bound

No. U.II/551/23/2015

4th June 2015

To,

Mr. Venkatesh Nayak,
55A, 3rd Floor,
Siddharth Chambers,
Kalu Sarai,
New Delhi - 110016

Subject: - First RTI Appeal by Mr. Venkatesh Nayak on 'India's vote on the Draft Resolution on Human Resource Management at the meeting of the Fifth Committee (Administrative & Budgetary) of the UN General Assembly held on 24 March 2015,' under RTI Act 2005.

The First Appellate Authority has directed me to respond to the queries in your RTI application no RTI/GOI/MEA/2015/3 seeking information regarding *India's vote on the Draft Resolution on Human Resource Management at the meeting of the Fifth Committee (Administrative & Budgetary) of the UN General Assembly held on 24 March 2015.*

2. The response to your queries is as follows:-

Queries (1-4) Our voting in the Fifth Committee of the UN General Assembly on the *Decision to Withdraw Current Personal Status Rules for Determining Staff Benefits and Entitlements*, was on whether personal status of UN staff member should be determined by the laws applicable in his/her country of nationality.

The matter was considered and processed in this Ministry as per the stipulated guidelines.

As per provisions on Section 8(1)(a) of RTI Act 2005, further information pertaining to this issue cannot be shared.

Query (5) No speech was delivered by any Indian representative prior to casting India's vote on the said Draft Resolution.

Yours faithfully,


(P.K. Ashok Babu),
CPIO,

UNP division,
Room No. 0104, 'C' Wing,
Jawaharlal Nehru Bhawan,
23-D, Janpath, New Delhi-110011.
Ph.: 011-49018411

CC to:

1. Shri. Vishwesh Negi, Director (UNP) & First Appellate Authority
2. Smt. Meera Sisodia, US(RTI), MEA, New Delhi