APPEAL U/S 19(1)

The Right to Information Act, 2005

To,

The appellate authority,

**1. Full name of the applicant:** Kamlakar Ratnakar Shenoy

* 1. **Address:** B / 903, Vaishali apartments, Sheth Motisha ( Love ) Lane, Opp. Telephone exchange, Mazgaon, Mumbai-400010. Mobile no. 9870987359.
  2. **Grounds of appeal:** information not provided as **required under section** 7(1) of RTI act. The information cannot be denied on grounds other than u/s 8 & 9.

1. The first and second appellate authority under RTI act is quazi judicial officer conducting a Quazi Judicial proceeding.
2. In this proceedings the appellant shall be provided the written submission of the Respondent PIO to conduct fair and just proceeding. In this matter the PIO has not provided his written submissions.
3. The PIO has failed to give reasoning as required u/s 7(8)(i) and 19(5) RTI as to how the section relied upon to deny information is applicable. The written submission is vital to expose the dishonest intentions and ulterior motives of PIO / FAA. Denying such document to the appellant is gross injustice as the PIO / FAA is being protected from criminal prosecution and prosecution under RTI act. The written submissions submitted by PIO u/s 7(8)(i) & 19(5) RTI act are vital evidence for offence committed u/s 166, 167 IPC.
4. The PIO has failed to give in writing that this information which has been denied to me shall be denied to Legislature and Parliament.
5. The FAA/ SIC shall direct the PIO / FAA to provide this information before conducting of appeal hearing. Hearing an appeal without providing the above documents shall mean miscarriage of justice. Further the FAA and 2nd appellate authority shall be conducting the quazi judicial proceeding illegally without following due process of law, which the FAA / SIC is well aware of that they are passing an order / making a report which is contradictory to law and materials on record.
6. **FAA / SIC shall clarify with reasoning how the information sought is not in larger public interest and / or how it becomes personal information.**
7. **FAA/ SIC shall be conducting illegal and wrongful hearing of fist appeal / second appeal without compliance of circular 10.8.2009- para 6 to 10, section 7(8)(i) and 19(5) RTI act**

**Prayers**

**Mandatory role of FAA in first appeal and while passing the order shal record his finding on the below mentioned grounds raised by the appellant ( no discretion)**

1. The appeal which is judicial proceeding should be a public hearing and should be conducted in open room/ court and not in private closed doors as it is against the principle of natural justice, transparency and accountability. There is nothing to hide in any judicial proceedings. All appellant shall be witness and shall watch these proceedings.
2. The applicant is alert senior citizen aged 65 years. With intention to assist the public servant to discharge his duty properly and in larger interest of bringing transparency and accountability, he shall be video recording the meeting / hearing whenever he is being called. **As we all are aware that even in the Court proceedings are now conducted under video recording and transcript also available to citizens.**
3. The applicant humbly requests that If the concerned public servant has any objections to
   1. conducting judicial hearing in open Court.
   2. video recording,

he shall intimate me in writing along with the law and section relied upon which prohibits any citizens to demand public hearing and from demanding video recording the meeting / hearing. He shall also provide documents that his office is prohibited area and **under which law the public servant shall prosecute the citizen for video recording the meeting / hearing.**

1. **It is illegal practice of FAA and Information commissioners while conduct judicial proceedings**
2. To hold judicial hearing in private closed doors which insecurity, creates sense of fear and helplessness in citizens.
3. to call the appellant for hearing without providing the written submissions of PIO / FAA 3 days before the actual date of hearing as per circular dt. 10.8.2009. **violating provision of section 7(8)(i) and 19(5) RTI act**
4. not to prepare Roznama and bring on Rozanma the details of oral arguments made by appellant
5. the FAA and Information Commissioners acting as attorneys for the PIO and / or FAA.

1. PIO cannot forward the RTI application u/s 6(3) of RTI act. The PIO shall call for the information u/s 5(4) RTI act.
2. The FAA and State Information Commissioner shall pass order by following the guidelines
   1. **W.P. 4101 of 2007**: Justice Daga order dt. 24.3.2009 (para 17 & 19 in particular).
   2. Clarification if the PIO / FAA has acted in Good faith: **as per section 52 IPC and circular 10.8.2009 (para 6,7,8,10)**
   3. By considering and giving reasoning to each of the report /observations / order decision so that it is not in contrary to law, and is issued with due care and attention
3. The FAA and State Information Commissioner shall record the submission and arguments of appellant and PIO and thereafter give his findings with regards to non-compliance of
   1. **Section 7(8)(i), 19(5) of RTI act and circular 10.8.2008**: failure of PIO / FAA for submission of written arguments in the appeals along with reasons by PIO / FAA in the appeal/ 2nd appeal. **(these documents are evidence for prosecution of PIO under RTI act as well as for criminal prosecution u/s 166, 167 IPC).**

* 1. **Section Information available for Legislature / Parliament:** section 8 J
  2. **Whether the denial of information is within section 8 & 9 of RTI act**: section 7(1)
  3. Whether the information is provided as directed under section 7(1) RTI act.
  4. Clarification on whether the PIO has violated the RTI section
     1. **2F, 2J,**
     2. **4 (1)(B)(iii** : Procedure followed in decision making process.
     3. **4 (1)(B)(iv), (v):** Rules and regulations etc used for discharging its functions and norms for discharge of functions
     4. **4 (C ), (D**): Provide reasons for its administrative or Quazi Judicial decisions
  5. **section 19(8), 20(1), (2) RTI act: reasons for FAA/ SIC not recommended action against PIO for wrongful denial of Information.**
  6. **(page 6 para 6) of Hon. Ratnakar Gaikwad guidelines dt 18.6.2012 and Circular dt. 25.6.2019:** FAA is duty bound to get his order implemented and verify that the information is provided to the applicant.**).**

1. If the FAA fails to do so the FAA shall be guilty as per GAD circular 31.3.2008, 10.8.2009. SIC circular 25.6.19 and the above accusations can be made against FAA for failing to discharge his duty and disobeying direction law and framing incorrect records in judicial proceedings. getting protection u/s 21 RTI will be remote as such actions can be proved that the FAA has not acted in good faith and as intended to be done under RTI act or any rule made there under.

Place: Mumbai. Signature of the applicant

Date: 28.2.23

Ref 84-15/ RTI appeal DG-ACB / SOP & name of authorities u/s 8 & 9 of DDOD/ 4500 crores file and folder