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GRAM: ELECCOM
NEW DELHI

SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

No. 4/RTI/Appeal/58/2013 / 257

Dated: 07.06.2013

Appeal under Right to Information Act, 2005

Date of Appeal : 04.05.2013
Date of receiving the appeal in the Commission : 14.05.2013
Name of the appellant : Ms. Quaneez-e-Fatemah Sukhrani
Name of the concerned CPIO : Sh. Ajoy Kumar, Under Secretary

Background:

An application dated 08.03.2013 of the appellant, Ms. Quaneez-e-Fatemah Sukhrani of Pune (Maharashtra), was received in the Commission on 12.03.2013 under the RTI Act, 2005. The CPIO, vide his letter no. 4/RTI/27/2013/ERS dated 21.03.2013, had sent a reply to the appellant. Information sought in the application and reply given by the CPIO are as under:

Sl. No.	Information sought	Reply given
1.	Copy of all Orders, Notifications & Govt. Resolutions received by the ECI for implementation of UIDAI.	The ECI has not received or forwarded any Order, Notification, or Government Resolution for implementation of UIDAI. Further, at present no standard Operating Procedure, mechanism or system to implement, integrate, migrate and authenticate any individual's UIDAI card when available with Voter ID card is available in the records of the ECI in any material form. However, it may be mentioned here that communication between the ECI and the UIDAI regarding Aadhar number and EPIC synchronization is available in the Commission's file. You may inspect the above files with 3 days prior intimation to the CPIO.
2.	Copy of govt. Orders whereby the UIDAI has been given statutory authority.	This item has been transferred to Planning Commission u/s 6(3) of the RTI Act, 2005.
3.	List of partners, state ministries, departments, the ECI has sent above noted Orders, Notifications and govt. resolutions along with copy of those instructions.	As against item no. 1
4.	Copy of standard Operating Procedures, Mechanism & Systematic that ECI will use/is using to implement, integrate, migrate and authenticate any individual's UIDAI card when available with the Voter ID card.	-do-

APPEAL

The appellant has filed first appeal before the First Appellate Authority. The allegation of the appellant is follows (in brief):

- (i) The appellant has received reply to her RTI application dated 8th March, 2013 by ordinary post after 45 days. While all communication should be done through the speed post or Registered AD.
- (ii) How she is supposed to physically inspect the files.
- (iii) No other Ministries have asked for physically inspection.

CPIO's Comments

The appellant has already been informed about that no such orders, notification, Govt. resolutions etc have either been received or forwarded by Election Commission of India.

Further, she was also informed about non-availability of Standard Operating Procedure (SOP), mechanism or System to implement, integrate migrate and authenticate any individual's UIDAI card when available with voter card.

In crux, it may be stated that no information in respect of the item (1) to (4) of the application of the applicant is available and she has already been informed of the position. Even then the CPIO has asked the applicant to inspect the files in the matter, so that the communication between the ECI & UIDAI regarding Aadhar number and EPIC Synchronization, if required by her, can be obtained after inspection.

Decision of the FAA

I have considered the application, reply given by the CPIO, appeal of the appellant.

It is seen that application dated 08.03.2013 was received in the Commission on 12.03.2013 and reply was issued on 21.03.2013. Therefore, the reply was given in prescribed time of 30 days. Here it may be noted that the CPIO cannot be held responsible for the period taken in Postal Transit and this period can not be counted for the purpose of calculating the prescribed time-limit for furnishing information. Further, apparently, nowhere it is prescribed in the Act or the Rules that all the communications under RTI Act should be sent only by Registered AD or Speed Post. In any event, the appellant has not pointed out the basis of her contention in this regard.

It is also informed that the Election Commission of India has taken an in principle decision to accept AADHAR card as one of the alternative documents for identification of electors on the poll day at polling station.

Regarding the contention of the appellant that she could not inspect the relevant file as she lives in Pune, it is stated that the applicant herself had mentioned in items (iv) and (v) of her application that she could arrange to get material collected if contacted over phone. In the present

case, the offer for inspection of File was given because there is no Order/Notification/Govt. Resolution mentioned in the application, on the records of the Election Commission. Therefore, the CPIO has stated that there is a File containing some communications between the UIDAI and Election Commission of India. Since no order, notification, etc. sought by the appellant is available, the CPIO could not have straightaway offered to furnish copies of such papers. These can be provided only if the appellant is interested in these documents. The appellant is hereby informed that the said file containing communications exchanged between the UIDAI and Election Commission are in **118** pages. If she is interested in obtaining copies thereof, she may do so on payment of the fees @ ₹ 2/- per page.

The appeal is disposed of accordingly.



(K. F. WILFRED)
PRINCIPAL SECRETARY &
FIRST APPELLATE AUTHORITY

***By Regd. Post.**

To:-

✓*(i) Ms. Quaneez-e-Fatemah Sukhrani, A/3, Hermes Dromel, 211/3/1B, Viman Nagar, Pune-411014.

Copy to:

- (ii) Sh.Ajoy Kumar, Under Secretary & CPIO
(iii) Guard File

118 x 2 = 236

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