

भारत के उप-राष्ट्रपति का सचिवालय
SECRETARIAT OF THE VICE-PRESIDENT OF INDIA
नई दिल्ली - 110011 (भारत)
NEW DELHI - 110011 (INDIA)

No. VPS-55/01/RTI-56/2023-24

Dated the 09th November, 2023

To
Smt. S. Lilavathi,
23, Bharathiyar Salai, Ashok Nagar,
Lawspet,
Pondicherry-605008.

Sub: Information under the Right to Information Act, 2005.

Madam,

Please refer to your RTI Application dated 14.10.2023 seeking information related to executive order of this Secretariat to override/over rules Articles of the Constitution.

2. In this regard, it is to inform that this Secretariat does not hold any 'information', as defined under Section 2(f) of the RTI Act, 2005, on the points raised in your RTI application and hence, the information may be treated as 'NIL'.

3. In case, you are not satisfied with the information provided on the given RTI application, you may prefer the first appeal to Shri Abhyuday Singh Shekhawat, Officer on Special Duty/First Appellate Authority within 30 days of receipt of this reply.

Encl.: as above.

Yours faithfully,



(Rajesh Kumar Sharma)
CPIO/Deputy Secretary
Ph: 011-23018684

SPEED POST
9/11/23

दश टिका दश ठिका दस रुपिया कडु रमकाळ १००००५ पणतु ७५ दहा रुपये ७७ ७७। दस रुपये दश रूप्यकाणि

NOT NEGOTIABLE
INDIAN POSTAL ORDER
POSTAGE STAMPS
POSTMASTER

भारतीय पोस्टल आर्डर
INDIAN POSTAL ORDER

डाक महानिदेशक DIRECTOR GENERAL OF POSTS.

PAY TO Vice-President's Secretariat

दस रुपए की रकम THE SUM OF RUPEES TEN ONLY

₹ 10

AT THE POST OFFICE AT

New Delhi

के डाकघर में अदा करें।

इस लाइन के नीचे मत लिखिए DO NOT WRITE BELOW THIS LINE



कमीशन COMMISSION रुपया 1 RUPEE

प्रेषक अपना नाम और पता यहां लिख दे।

SENDER MAY FILL IN HIS NAME AND ADDRESS HERE:

Smt S. L. D. D. D.
23 Bhawanagar Salab
Ahmed Nagar, Jaipur
Randeshwar 605008

50F 044039



FORM-1 dt.14/10/23 by Regd.Post with A/D

Pager No.1 of 11

Form of Application seeking information under RTI act 2005

To To CPIO, Vice-President's Secretariat, 6, Maulana Azad Road, New-Delhi-

1.Name of the Applicant: Smt.S.Lilavathi Senior Citizen aged 67 years

2.Address: 23, Bharathiyar Salai, Ashok Nagar, Lawspet, Pondicherry 605008

3.Particular of Information: for 3(b) to 3(d) u/s 4(1)(b)(ii), 6(1), 7(9), & 22 of RTI.

a) Concerned Dept: Vice-President's Secretariat, New-Delhi-110011.

b) As per CIC decision in Appeal No.119/ICPB/2006 F.No.PBA/06/136

dt.04/10/2006, "PIO bound to provide information and not to direct applicant to search elsewhere" Give copies of papers/pen-drive, if available, u/s 2(f), 2(i), 2(j), 4(1)(b)(ii), 6(1), 7(9), 19(7) & 22, of RTI act, which mentions, any executive of the Vice-President's Secretariat, had & has inherent power u/s 4(1)(b)(ii) of RTI act, to override & overrule Article 29(1) of constitution of India, where Article 29(1) of the constitution of India, reads as, I quote, "Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same", which is protected from any legislative or executive encroachment, which is not been subjected to any restriction by the framers of the constitution of India. And Article 29(1) of constitution is not confined to minorities, but extends to all sections of citizens, which will include majority also. Any sections of citizens who have such a language, script or culture, legislative or executive intrusion by Central/State Govt. designed to curtail this right would be unconstitutional.

c) As per CIC decision mentioned above in 3(b), Give copies of papers/pen-drive, if available u/s 2(f), 2(i), 2(j), 4(1)(b)(ii), 6(1), 7(9), 19(7) & 22 of RTI act, which mentions, it is not the bounded duty u/s 4(1)(b)(ii) of RTI act, of any



So CC)

S. Lilavathi
14/10/23

Executive of the Vice-President's Secretariat, to abide by Article 29(1).

d) If available, u/s 2(f), 2(i), 2(j), 4(1)(b)(ii), 6(1), 7(9), 19(7) & 22 of RTI act, Give copies of material which mentions that any Executive of Vice-President's Secretariat, had/has been delegated power to override and overrule Article 29(1).

Please Note: As per section 6(2) of RTI act,, RTI applicant need not give reason for requesting information, yet I would like to record the reasons as follows: 1) Article 60 of the constitution of India, reads as, "Oath or affirmation by the President. Every President and every person acting as President or discharging the functions for the President shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of India or, in his absence, the senior most Judge of the Supreme Court available, an Oath or affirmation in the following form, that is to say-I, A.B., do (swear in the name of God/Solemnly affirm) that I will faithfully execute the office of President (or discharge the functions of the President) of India and will to the best of my ability preserve, protect and defend the constitution and the law and that I will devote myself to the service and well being of the people of India". 2) Article 61 of the constitution of India for impeachment of the President is to be impeached for violation of the constitution, the charge shall be preferred by either house of parliament".

Encl: 1) MY RTI applications dt. 10/09/23 & 02/07/23 to CPIO of Dept of Justice & President's Secretariat, (6 pages) 2) CPIO's of Dept of Justice & President's Secretariat's RTI reply dt. 26/09/23 & 01/08/23 - (two pages) 3) IPO for Rs. 10/- bearing No. 50F 044039 for this Form-1.

Date: 14/10/23


Signature of RTI Applicant



No. 0328/RTI/07/23-24
राष्ट्रपति सचिवालय
PRESIDENT'S SECRETARIAT
RTI SECTION

राष्ट्रपति भवन, नई दिल्ली-110004
Rashtrapati Bhavan, New Delhi-110004

01 August, 2023

To

Smt S. Lilavathi
23, Bharathiyar Salai,
Ashok Nagar, Lawspet,
Pondicherry – 605 008

Sub:- Supply of the Information under RTI Act, 2005.

Madam,


Reference your RTI application dated 02.07.2023 received on 05.07.2023. Based on inputs received from the concerned section of this Secretariat, the reply is as under:

Reply/Requisite Information

No such information is available in concerned section of this Secretariat.

If you are not satisfied or aggrieved with the aforementioned reply to your RTI application, you may prefer an appeal to the Appellate Authority of this Secretariat under section 19(1) of the RTI Act, 2005 within 30 days of the receipt of this letter at the following address: **Ms. Vidisha Maitra, Officer on Special Duty and Appellate Authority**, President's Secretariat, Rashtrapati Bhavan, New Delhi – 110 004 (E-mail: faa@rb.nic.in & Tel.: 011-23792199).

Yours faithfully


(Rubina Chauhan)
Deputy Secretary (RTI) & CPIO
Tel.: 011-23015321
E-mail: so.rti@rb.nic.in

Form of Application seeking information under RTI act 2005

To To CPIO Office of Dept. of Justice, New-Delhi-110001

1.Name of the Applicant: Smt.S.Lilavathi Senior Citizen aged 67 years

2.Address:23,Bharathiyar Salai,Ashok Nagar, Lawspet, Pondicherry 605008

3.Particular of Information: for 3(b) to 3(d) u/s 4(1)(b)(ii), 6(1), 7(9), & 22 of RTI.

a) Concerned Dept: Office of Dept. of Justice, New-Delhi 110001.

(ii) Period of Information required: from inception to 2023

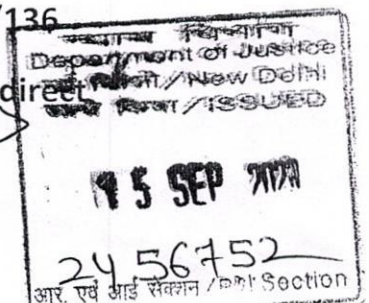
b) As per CIC decision in Appeal No.119/ICPB/2006 F.No.PBA/06/136

dt.04/10/2006, "PIO bound to provide information and not to direct applicant to search elsewhere" Give copies of papers/pen-drive, if available, u/s 2(f), 2(i), 2(j) of RTI act, which mentions, any executive of the Dept. of Justice, GOI, had & has the inherent power u/s 4(1)(b) of RTI act, to override and overrule Article 29(1) of the constitution of India, where Article 29(1) of the constitution of India, reads as, I quote, "Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same", which is protected from any legislative or executive encroachment, which is not been subjected to any restriction by the framers of the constitution of India. And Article 29(1) of the constitution is not confined to minorities, but extends to all sections of citizens, which will include majority also. Any sections of citizens who have such a language, script or culture, legislative or executive intrusion by Central/State Govt designed to curtail this right would be unconstitutional.

c) As per CIC decision in Appeal No.119/ICPB/2006 F.No.PBA/06/136

dt.04/10/2006, "PIO bound to provide information and not to direct

S. Lilavathi
10/9/23



245/DOJ/RTI/15/2023

applicant to search elsewhere" Give copies of papers/pen-drive, if available, u/s 2(f), 2(i), 2(j), 6(1), 7(9) & 22 of RTI act, which mentions, it is not the bounded duty u/s 4(1)(b)(ii) of RTI act, of any executive of the Dept. of Justice, GOI, to abide by Article 29(1) of the constitution of India.

d) If available, u/s 2(f), 2(i), 2(j), 6(1), 7(9) & 22 of RTI act, give copies of material, which mentions that any executive of the Dept of Justice, had/has been delegated power to override and overrule Article 29(1).

e) Please mention name, designation & address of FAA u/s 8(3) of RTI act.

Please Note: As per section 6(2) of RTI act, RTI applicant need not give reason for requesting information, yet I would like to record the reasons as follows:

1) Article 60 of the constitution of India, reads as, "Oath or affirmation by the President. Every President and every person acting as President or discharging the functions of the President shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of India or, in his absence, the senior most Judge of the Supreme Court available, an oath or affirmation in the following form, that is to say- I, A.B., do (swear in the name of God/Solemnly affirm) that I will faithfully execute the office of President (or discharge the functions of the President) of India and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well being of the people of India". 2) Article 61 of the constitution of India for impeachment of the President "When a President is to be impeached for violation of the constitution, the charge shall be preferred by either house of parliament".

Encl: IPO for Rs.10/- bearing No.50F

is enclosed for this RTI Form-1

Copy of Article 60 & 61 enclosed

Signature of RTI Applicant

AS THIS RTI FORM-1 IS PERTAINING TO YOUR OFFICE &
DO NOT TRANSFER THIS TO ANY OFFICE

Article 60 Constitution of India:
Oath or affirmation by the
President

❧ राष्ट्रपति द्वारा शपथ या प्रतिज्ञान In Hindi

Category of Bare Act	Name of the Act	Year of Promulgation
Civil Laws	The CONSTITUTION OF INDIA	1975
Act Number	Enactment Date	Chapter Number
36	1975-04-26	5
Chapter Title	Ministry	Department
The Union	Ministry of Law And Justice	Department of Personnel and Administrative Reforms

Every President and every person acting as President or discharging the functions of the President shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of India or, in his absence, the senior-most Judge of the Supreme Court available, an oath or affirmation in the following form, that is to say-

"I, A.B., do (swear in the name of God/solemnly affirm) that I will faithfully execute the office of President (or discharge the functions of the President) of India and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of India."

Article 61 Constitution of India: Procedure for impeachment of the President

राष्ट्रपति पर महाभियोग बनाने की प्रक्रिया Constitution of India
Article 61 in Hindi

Category of Bare Act	Name of the Act	Year of Promulgation
Civil Laws	The CONSTITUTION OF INDIA	1975
Act Number	Enactment Date	Chapter Number
36	1975-04-26	5
Chapter Title	Ministry	Department
The Union	Ministry of Law And Justice	Department of Personnel and Administrative Reforms

(1) When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of Parliament.

(2) No such charge shall be preferred unless-

(a) The proposal to prefer such charge is contained in a resolution which has been moved after at least fourteen days' notice in writing signed by not less than one-fourth of the total number of members of the House has been given of their intention to move the resolution, and

(b) Such resolution has been passed by a majority of not less than two-thirds of the total membership of the House.

(3) When a charge has been so preferred by either House of Parliament, the other House shall investigate the charge or cause the charge to be investigated and the President shall have the right to appear and to be represented at such investigation.

(4) If as a result of the investigation a resolution is passed by a majority of not less than two-thirds of the total membership of the House by which the charge was investigated or caused to be investigated, declaring that the charge preferred against the President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on which the resolution is so passed.

F.No.15011/106/2023-Admn-RTI.(1)
Government of India
Ministry of Law & Justice
Department of Justice

Jaisalmer House,
26, Man Singh Road,
New Delhi.

Dated: 26/09/2023

To

Smt. S. Lilavathi,
23, Bharathiyar Salai,
Ashok Nagar, Lawspet,
Pondicherry-605 008.

Sub: Supply of the Information under RTI Act-2005. RTI

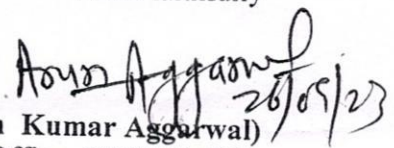
Madam,

Reference your RTI applications dated 10.09.2023 and 12.09.2023 received on 15th and 19th September, 2023 respectively. It is stated that no such information is available in this Department.

If you are not satisfied or aggrieved with the aforementioned reply to your RTI application you may prefer an appeal to the Appellate Authority of this Department under section 19(1) of the RTI Act, 2005 within 30 days of the receipt of this letter at the following address:

Shri M.S.P Dara,
Under Secretary (RTI/FAA),
Department of Justice,
Jaisalmer House
26 Man Singh Road,
New Delhi-110011.
(Email: mstpaul.dara@nic.in & phone no. 23072148)

Yours faithfully


(Arun Kumar Aggarwal)
Section Officer (RTI)/ CAPIO

Form of Application seeking information under RTI act 2005

To CPIO , President's Secretariat, Rashtrapathi Bhawan, New-Delhi

1.Name of the Applicant: Smt.S.Lilavathi Senior Citizen aged 66

2.Address:23,Bharathiyar Salai,Ashok Nagar, Lawspet, Pondicherry

3.Particular of Information: for 3(b) to 3(d)u/s 6(1),7(9), & 22 of RTI act

a)Concerned Dept: President's Secretariat,GOI,New-Delhi

(ii)Period of Information required: from 1950 to 2023

b)IF AVAILABLE, u/s2(f),2(i),2(j),6(1),7(9) and 22 of RTI act, give

material, which mentions, while exercising the constitutional power of

The Hon'ble President of India, under Article 77(3)[Business rule{61} of the

Constitution of India, the Hon'ble President of India, had/has delegated

Constitutional Power to/had/has allowed the Secy/Addl/Jt/Depy/Director

/Under secy/Section Officer of President's Secretariat, to take

executive decision in the name of the Hon'ble President of India, by

overriding & overruling Article 29(1) of Constitution of India, though

Hon'ble President of India, has no constitutional power to override &

overrule Article 29(1) of constitution of India, as Hon'ble President of India,

had taken oath as per Article 60 of constitution of India, to preserve,

defend and protect Article 29(1) of the constitution of India, where Article

29(1) of constitution of India, reads as, I quote, "Any section of the citizens

residing in the territory of India or any part thereof having a distinct

language, script or culture of its own shall have the right to conserve the

same", which is protected from any legislative or executive encroachment,

which is not been subjected to any restriction by the framers of the

constitution of India. And Article 29(1) of the constitution of India,

भारतीय डाक
India Post
RT22541507IN TVR-8234225415
RL PONDICHERRY HD <605001>
Counter No:2,02/07/2023,15:34
To: CPIO,
PIN:110004, Rashtrapati Bhawan SD
From: LILAVATHI, PONDICHERRY
M: 911005
Amt: 23.00 (Cash)
<Track on www.indiapost.gov.in>

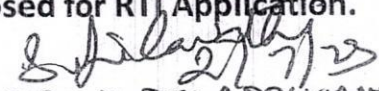
S. Lilavathi
21/7/23

is not confined to minorities, but extends to all sections of citizens, which will include majority also. Any section of citizens who have such a language, script or culture, legislative or executive intrusion by Central/State Government designed to curtail this right would be unconstitutional, though, The Hon'ble President of India is bound by the constitution, to act on the advice of the Hon'ble Prime Minister and the Hon'ble Council of Ministers of Cabinet, as long as the advice does not violate the constitution.

c) IF AVAILABLE u/s2(f),2(i),2(j) of RTI act, give copies of material, which mentions, Secy/Addl/Jt/Depy/Director/Under- Secy/SO of President's Secretariat, has inherent power u/s4(1)(b)(ii) of RTI act, to take executive decision in the name of Hon'ble President of India, by overriding & overruling Article 29(1) of constitution of India, though Hon'ble President of India has no constitutional power to override and overrule Article 29(1) of the constitutions, as Hon'ble President of India had taken oath, as per Article 60 of constitution of India to preserve, defend and protect Article 29(1) of the constitution of India ,

d) IF AVAILABLE u/s2(f),2(i),2(j) of RTI act,give copies of material, which mentions, it is not the inherent duty u/s4(1)(b)(ii) of RTI act, of Secy/Addl/Jt/Depy/Director/Under-Secy/SO of President's Secretariat, to abide by Article 29(1) of constitution of India, though it is the bounded duty of Hon'ble President of India, to abide by Article 29(1) of constitution of India, as Hon'ble President of India had taken oath, as per Article 60 of constitution of India to preserve, defend and protect Article 29(1) of the constitution of India ,

Encl: 1)IPO for Rs.10/- bearing No.50F 0344982 enclosed for RTI Application.


SIGNATURE OF RTI APPLICANT