भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय महिला आयोग
NATIONAL COMMISSION FOR WOMEN
4, दीन दयाल उपाध्याय मार्ग
4, DEEN DAYAL UPADHYAYA MARG
नई दिल्ली-110 002
NEW DELHI-110 002
Website : www.ncw.nic.in

F. No. RTI/2017/0000470/NCW

Dated 29.1.2018

To

Shri Dinesh Kumar,
Deputy Registrar,
Central information Commission
Baba Gang Nath Marg, Murnika,
New Delhi-110067

Subject: Notice of Hearing for an Appeal on 31/1/2018 at 10.30 AM
Reference: CIC/NCFWO/A/2017/607207- Minakshi Vs National Commission for Women

Sir,

I am directed to refer to your Notice dated 18.1.2018 (received on 23.1.2018) on the subject mentioned above and to submit the following facts points for your consideration.

2. **Brief Facts of the case:-**

(a) A complaint of Ms. Minakshi bearing No.8/7208/VT/National Commission for Women/2007 was registered with the Complaint and Investigation Cell of National Commission for Women. The complaint prima facie concerned disclosed issues relating to rights of women at workplace. After giving a preliminary hearing to both the parties, the Commission framed three terms of reference and forwarded the complaint of Mis Minakshi (Petitioner) vide letter dated 08/10/2007 to Maharashtra State Women Commission, directing MSCW to complete enquiry within 60 days. MSCW set up an inquiry of 3 members as per MSCW Act.

(b) That Ms. Minakshi filed a Writ Petition bearing No.963/2008 before Bombay High Court pleading breach of Vishakha guidelines. In the Writ Petition No.963/2008, Hon'ble High Court on 23/07/2008 directed the MSCW to perform their obligations and duties under the Act with reference to complaint filed by Petitioner in accordance with the provisions of Law as expeditiously as possible and further to submit the report to the Government within 6 months. **MSCW filed affidavit in the Bombay High Court in Writ Petition No.963 of 2008 that its term has expired and it had no objection if National Commission for Women (NCW) takes charge and completes the enquiry**. The complaint was forwarded to National Commission for Women. Further, NCW set up a new enquiry Committee vide order dated 21/03/2013. Respondents (KPMG and its Officers who were Respondents in the complaint) were summoned by the enquiry committee but due to non-availability of counsel of KPMG, the matter was delayed for two months. The enquiry committee issued notices to KPMG for 03/09/2013, again for 26/10/2013. KPMG filed Writ Petition No.3030 of 2013 before Bombay High Court, wherein they sought quashing of the proceedings initiated by

enquiry committee constituted by NCW against KPMG challenging the reframing of terms of reference dated 26/10/2013.

(c) The Petitioner Minakshi filed an RTI Application dated 11/12/2013 which was registered in the Commission vide RTI No.628/2013. Aggrieved with the reply provided by the CPIO, NCW, she filed an appeal before Central Information Commission (CIC). The CIC was informed that the copy of enquiry committee order dated 26/10/2013, if any, was available with MSCW as all the records had been kept in the custody of MSCW. The CIC directed the CPIO, NCW on 30/12/2014. NCW to get the records back from MSCW and provide information with reference to 5(a) and 5(e) of the RTI Application No. 628/2013 to the Petitioner within one month of the receipt of order dated 30/12/2014.

(d) Since MSCW did not respond, the then Law Officer, NCW was directed to visit Maharashtra State Women Commission (MSCW) for compliance of the the CIC order dated 30/12/2014. The then Law Officer visited Mumbai on 23/01/2015 and found that all the concerned files were badly maintained and no pagination had been done on the files by MSCW. It was also reported by MSCW that the original file was not traceable.

(e) Given the circumstances, a bunch of available documents duly certified by MSCW was secured by the then Law Officer of NCW. An assurance was also given by MSCW that the remaining documents will be sent soon. The MSCW vide letter dated 30/01/2015, sent a set of documents to NCW comprising original and photocopies of documents related to Minakshi's case and also informed that the original copies of the documents pertaining to the hearings held at the office of Maharashtra State Women Commission are not available within their office and they are initiating action against the person who will be found responsible for the loss of original documents.

(f) Subsequently, NCW received a letter dated 17/03/2015 from Maharashtra State Women Commission in which MSCW informed that for original documents, Smt. Nirmala Samant Prabhavlkar (Ex-Member, NCW) may be contacted. Thereafter, NCW issued a letter dated 07/05/2015, to Smt. Nirmala Samant Prabhavlkar (Ex-Member, NCW) asking for documents related to the case of Ms. Minakshi Maheshwari and in her reply dated 19/05/2015, Ex-member, NCW Ms. Nirmala Samant Prabhavlkar replied that she does not have the documents with her.

(g) The NCW had constituted a fact finding Committee comprising Shri O.P. Chhatwal, retired DIG, CBI, Ms. Payal Mago, Principal RajGuru College, Shri V.V. B. Raju, Deputy Secretary, NCW vide order dated 20/07/2015 to enquire into the loss of documents and to fix the responsibility for the loss of documents. The Committee, enquired into the circumstances leading to the incident and submitted its recommendations to NCW on 7.4.2016 for taking action as deemed fit against those involved in the case.

3. **Regarding the RTI application/Appeal.**

(i) Ms. Minakshi vide her RTI application dated 14.9.2017 had sought information relating to her above case.

(ii) As per the available records, Ms. Minakshi was provided information vide letter dated 13.9.2017.

(iii) Aggrieved with the information furnished vide letter dated 13.9.2017, Ms. Minakshi had preferred First Appeal with the First Appellate Authority.

(iv) The First Appellate Authority had disposed of the Appeal vide Order dated 26.9.2017 upholding the reply furnished by the CPIO.

(v) That the copy of second Appeal preferred by Ms. Minkash has not been received in the NCW and hence the Commission is unaware of the ground of her Second Appeal.

4. It is further submitted that Ms. Minakshi has time and again through various RTIs and Public Grievance portal requested similar information. She has already inspected the relevant files and taken the necessary documents. It is also clarified that only documents as are availabl with the commission can be made available under the RTI Act, 2005 and the Commission has made all possible efforts to obtain the documents from MSWC who were the custodian of the documents. Further, to redress her grievance, the Commission has also requested her to approach the Member Secretary of the Commission to discuss her grievances in person on a mutually convenient date and time.

5. The above facts may please be placed before the Hon'ble Information Commissioner and appeal may be disposed of accordingly.

Yours faithfully,

K. Lalita
29/1/18

(K.Lalita)
ALO & CPIO