

F.No. S.26015/12/2014-SO(ST)
Government of India
Ministry of Finance
Department of Revenue

Room No. 259-B, North Block,
New Delhi the 11th November, 2014

To,

Shri Maniram Sharma,
Behind Roadways Depot,
Sardarshahar,
District-Churu,
Rajshthan-331403.

**Subject: Response to online RTI Application filed vide Reg. No.:
DOREV/R/2014/61344/3 dated 02.11.2014.**

Sir,

Kindly refer to your online RTI application dated 02.11.2014 filed vide the aforesaid registration number.

2. On examination of the request for information made by you under S.No. 1 to 25 of your application, it is evident that none of the information sought is available as such in the State Taxes Section of the Department of Revenue. Providing the responses to the same would require compilation of the same.

3. As per the RTI Act,

"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

4. Further, the Right to Information has been defined in Section 2 (j) of the RTI Act, as under:

"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to -

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

5. It is evident from the aforesaid definitions as provided under the RTI Act that the 'information' being sought by you is not covered under the same. Further, it has been held by the CIC in its judgment dated 22.06.2007 in the case of Saidur Rehman vs. CIC (Appeal Nos. CIC/AA/A/2006/00032 & 00034)

the right to information is not about seeking answers or asking questions. It is more about inspection of documents or records or taking notes, extracts or certified copies of the documents/records. In regard to "information" which is in an electronic form, information can be sought in any electronic form, such as, diskettes, floppies, tapes, video cassettes etc.

Although the definition of the right to information is an inclusive one but still it has to be an information available and existing. It must also be either held by or under the control of the concerned public authority. A non est information is no information. Similarly, in the name of seeking an information, one cannot demand what is not there on the record.

....

The CPIO cannot answer questions regarding either interpretation of law or as regards the correctness or otherwise of a decision passed by the Commission in connection with a judicial proceeding. The CPIO cannot provide what he does not have

(Emphasis supplied)

6. Examining the request of the applicant in the light of the aforesaid provisions of law and decision of the CIC, it is evident that your aforesaid request is squarely covered by the decision of the CIC in as much as a response to the same would entail creation of information, which is not the intent of the RTI Act.

7. In view of the facts as brought out above, the request made by your application dated 02.11.2014 is denied. However, you may inspect, within a month on any suitable day, the files relating to replies sent to RTI applications/appeals maintained in this Section from the year 2007 onwards.

8. An appeal against this order can be filed within a month before the appellate authority: Ms. Aarti Saxena, Deputy Secretary (State Taxes), Department of Revenue, North Block, New Delhi-110001.

Yours faithfully,

Vijay Kumar

(Vijay Kumar)

Under Secretary to the Government of India and CPIO

Tel.: 23095376

12/14

[Signature]