

OFFICE OF THE ADM (SOUTH)/ FIRST APPELLATE AUTHORITY (RTI)
REVENUE DEPARTMENT : GNCTD : DISTRICT - SOUTH
M.B. ROAD : SAKET : NEW DELHI

Appellant : Neelmani Sharma
Respondent : SPIO/SDM (Mehrauli)

No. 1070/FAA/South/2016/ 638-40

Dated : 6/6/16

ORDER

This order shall dispose-off the present appeal filed by Neelmani Sharma R/o B-27, Ground Floor, Sarvodaya Enclave, New Delhi – 110 017, on 26.04.2016, u/s 19 (1) of the Right to Information Act, 2005.

Notices were issued to the concerned. The matter was taken up for hearing on 31.05.2016, wherein, the Appellant was present in person and Shri M K Bharti, Tehsildar / APIO (Mehrauli) was also present in person. The documents placed on record were perused. The present appeal has been filed on the ground of furnishing non-satisfactory reply vide letter dated 02.03.2016. The representative of the SPIO submitted that appropriate reply to the RTI application under the provisions of RTI Act, 2005 was provided to the applicant.

I, have considered the contentions & records placed before me. In the present case, the applicant had sought information on 04 points relating to a mutation case. The SPIO in response provide the copy of the proceedings to the applicant, which is not denied but accepted by the appellant. **The reply of the SPIO is found to be specific and in conformity with the provisions of the RTI Act, 2005.** Before concluding, it is found better to quote some decisions/opinions w.r.t. to the RTI Act, 2005, as it would act as an advise to both the parties :-

➤ Under section 2 (j) of the RTI Act, 2005, only information as held by or under the control of any Public Authority can constitute a right to information for which a citizen can claim access. This cannot be construed to demand creation of information.

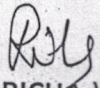
[CIC/WB/A/2006/00379 dated 21.12.2006]

- Citizens can ask for copies of documents containing the information. But they cannot seek opinions through questionnaire. [CIC/OK/A/2006/00049 dated 02.05.2006]
- As per the Act, the Public Authority is not bound to answer queries like why and what and under what circumstances to the applicant. [151/ICPB/2006 dated 06.11.2006]
- Information does not include answers to questions such as why, what, etc. The definition of information cannot include within its fold answers to the questions as to why, what or how of any matter, which would be the same thing as asking for reason or justification for a particular thing. Justifications are matters within the domain of the adjudicating authorities and cannot properly be classified as information. [Dr. Cerla Pinto VS Goa State Information Commission, AIR 2008 Bom 120].

Thus, finally, since, the reply of the SPIO is found to be correct and as per available records, no directions are being issued. The appeal is therefore dismissed being meritless.

The Appellant shall be at liberty to approach the Central Information Commission, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066, if he is not satisfied with the present order.

Issued under my hand and seal on this 31st May, 2016.


(RICHHA)

ADM(South)/FAA

To,

- 1). Neelmani Sharma R/o B-27, Ground Floor, Sarvodaya Enclave, New Delhi – 110 017.
- 2). The SPIO/SDM (Mehrauli), GNCTD.
- 3). The Programmer (NIC) O/o DM (South), with the direction to upload this order on the website of District – South.