

Shri Babul Meena

**MOST IMMEDIATE**  
**RTI MATTER**



No. RTI/17/2012/MFIN9//RU-IV

**Government of India**  
**National Commission for Scheduled Tribes**

**6th Floor, 'B' Wing,**  
**Loknayak Bhawan,**  
**Khan Market, New Delhi-110003**

**Dated: 27.11.2012**

**Sub: APPELLATE ORDER ON THE APPEAL DATED 25.10.2012 FILED BY**  
**SHRI BABULAL MEENA UNDER THE RTI ACT, 2005.**

I, the Appellate Authority in the National Commission for Scheduled Tribes have carefully gone through the Appeal dated 25.10.2012 (received in this Commission on 30.10.2012) filed by Shri Babulal Meena against the information provided by the APIO vide letter of even number dated 5/10/2012.

**BRIEF FACTS OF THE CASE**

2. The Appellant has preferred the Appeal, as under, re-iterating the information, sought by him earlier vide his application dated 17/09/2012 under the RTI Act:

1. Please let me know what action the Commission has taken on UIICL Ltd – in the wake of the latter ignoring the directions of the Commission to restore the seniority in the promoted cadre scale III from 2009 batch (27.07.2009).
2. Please let me know whether Commission will take steps to implement its order above. (BLM/10/2009/MFIN9/SEPROM/RU-IV dated 22.07.2011)
3. Please let me know how many orders have been passed by the Commission and in how many cases the orders of Commission have not been implemented.

**DECISION ON THE APPEAL**

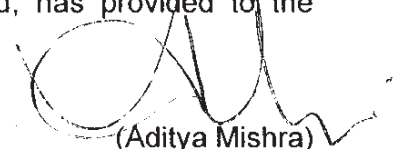
3. After going carefully through the contents of the appeal and relevant records and examination of the same, I have noted as under:

- (i) The Appellant has quoted reference to NCST letter No. BLM/10/2009/MFIN9/SEPROM/RU-IV dated 22/7/2011 which is not available in the record. However, the information sought by him is related to NCST letter of even number dated 25/7/2011 (addressed to the CMD, UIICL forwarding proceedings of the Sittings held in the Commission on 30.05.2011; copy of letter dated 25/07/2011 also endorsed to the Appellant, Note: office copy of letter dated 25/7/2011 shows that the date

is corrected by hand in ink from 22 to 25).

- (ii) Regarding information sought at Sl.No. 1 above, the Appellate Authority has noted that the APIO has furnished relevant record [(i) copy of NCST letter dated 5/6/2012, addressed to the Secretary, Ministry of Finance (issued as a follow-up of the deliberations in the Sitting held in the matter on 30/5/2011) for appropriate action, (ii) copy of the NCST letter dated 28/09/2012 requesting the Ministry of Finance to intimate the action taken report in the matter]. Should the Appellant desires, he may also examine the available record in the Commission.
- (iii) The Appellant Authority has noted that the information sought by the Appellant at Sr. No. 1 and 2 is an attempt to elicit answers to his questions with prefixes, such as what and whether. The definition of information can't include within its fold answers to such questions. In this connection, the Applicant may also refer to CIC decision dated 21-04-2006 (Annexure-1), which stipulates that the RTI Act does not cast on the public authority any obligation to answer queries, as in the case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in Section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.
- (iv) Regarding information asked by the Appellant as at Sl.No. 3, the Appellant is informed that the requisite information is not available. The information furnished by the APIO doesn't cover all cases.

4. Since the information as per the RTI Act, 2005, as held, has provided to the applicant, the Appellant, Appeal is accordingly disposed of.

  
(Aditya Mishra)  
Joint Secretary, NCST &  
Appellate Authority  
Tel: 24603669

**Shri Babulal Meena**  
H-81, Sidharth Nagar,  
Nr Govt. Sr. Higher Secondary School Gettor,  
Jaipur – 302017  
Encl: As above

Amended

**CENTRAL INFORMATION COMMISSION**

**File No. CIC/AT/A/2006/00045**

Dated: 21<sup>st</sup> April, 2006

**Appellant:** Dr. D.V. Rao, Superintendent (Legal), Deptt. of Legal Affairs, Ministry of Law & Justice, Govt. of India, 4<sup>th</sup> Floor, Shastri Bhawan, New Delhi-110001.

**Respondents:**

Shri Yashwant Singh, APIO & Deputy Secretary (A), Deptt. of Legal Affairs, Shastri Bhawan, New Delhi-110001;

Shri K.D. Singh, Appellate Authority (RTI Act 2005) & Additional Secretary (Admn.), Department of Legal Affairs, Shastri Bhawan, New Delhi-110001.

Dr. D.V. Rao, Superintendent (Legal), Department of Legal Affairs, Ministry of Law & Justice, Govt. of India has preferred this appeal against the order of the first Appellate Authority, Shri K.D. Singh, Additional Secretary, Department of Legal Affairs rejecting, through his order dated 19.12.2005, the appellant's plea for certain information. The first Appellate Authority had upheld the orders dated 18.12.2005 of PIO, Shri R. Raghupathy dated 18.12.2005 which the appellant had challenged as inadequate and incomplete.

2. The appellant was called and was present in person while the public authority was represented by Shri R. Raghupathy, JS & CPIO and Shri A.K. Srivastava, SO (RTI) during the hearing on 7<sup>th</sup> April, 06.

3. The appellant had requested for following information from PIO:-

- (i) Why the Department of Legal Affairs did not amend/review the ILS Rules so far,
- (ii) What is the reason(s) for non-amendments of the ILS Rules even after more than 7 years of the issuance of the DOPT O.M. dated 25.5.1998;
- (iii) Why the delay was happened, where it is happened, under whom the delay was happened and what is the vested interest of the officers in delaying the amendment of the ILS Recruitment Rules and the day-to-day reasons for delaying the amendment of the ILS Recruitment Rules since the issuance of the DOPT O.M. dated 25.5.1998;
- (iv) If the ILS Recruitment Rules are amended, whether it would have the retrospective effect or not;
- (v) When the Department is going to amend the ILS Recruitment Rules;
- (vi) Whether the Department is going to take any action against the erring officers for not amending the ILS Recruitment Rules for a long time in view of the said O.M."

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4. The Appellate Authority, Shri K.D. Singh had taken the view that the PIO had supplied to the appellant the latest information available. Since there was no change in the position regarding the amendment to the relevant Recruitment Rules only the latest information could be supplied to the appellant.

5. We have carefully gone through the records in this case and heard the arguments of the appellant. A perusal of the type of information requested by the appellant revealed that his was not so much a request for information, but was a set of questions regarding why the public authority had not taken certain actions and when, if at all, would it take those actions. We attempted to elicit from the appellant as to how, in his view, his request for information could be brought within the scope of Section 2(f) of the RTI Act. The definition of information, as it occurs in Section 2(f), lays down the scope of the type of information a petitioner can seek. The underlying idea is clearly that the petitioner's entitlement for information is only in respect of the categories of information mentioned in Section 2(f). It is not open to an appellant to ask, in the guise of seeking information, questions to the public authorities about the nature and quality of their actions. The RTI Act does not cast on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in Section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority. He can, for example, ask for all records pertaining to decision regarding amendments to and review of ILS rules, but not "why the Department of Legal Affairs did not amend/ review the ILS rules so far?"

6. In view of the fact that the request of the petitioner is not clearly defined in terms of Section 2 (f) of the RTI Act, we have no option but to reject his appeal. He may, if he so chooses, file his application once again before the appropriate PIO spelling out clearly the information (as per Section 2(f) ) he might be needed.

Sd/-  
(A.N. TIWARI)  
INFORMATION COMMISSIONER

Sd/-  
(DR. M.M. ANSARI)  
INFORMATION COMMISSIONER

Authenticated true copy:

Sd/-  
(P.K. GERA)  
REGISTRAR