

**BEFORE SHRI G.S. YADAV, JOINT SECRETARY & LEGAL ADVISER AND
FIRST APPELLATE AUTHORITY (Admn.I)**

(Under Section 19 of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM NO. 406-B 'A' WING,
SHASTRI BHAWAN, NEW DELHI-110001

Appeal No. 51/JS&LA(GSY)/RTI/Admn.I/2016

IN THE MATTER OF:

Shri A.K. Singh,
4/372, Bhola Nath Nagar,
Street No.13, Shahdara,
Delhi – 110032

Versus

- Appellant

Central Public Information Officer (Admn.I)
Ministry of Law & Justice
Department of Legal Affairs
Room No.422-A, A-Wing, Shastri Bhawan, New Delhi – 110001

- Respondent

ORDER

Date: 04.11.2016

Being dissatisfied with the decision of CPIO dated 21.07.2016 with respect to his application dated 26.05.2016, appellant has preferred this appeal received in this office on 24.10.2016.

2. Notices were issued to the respective parties and in response thereof CPIO as well as Advocate on behalf of appellant are present in person.
3. Heard the parties at length and perused the record very carefully.
4. Section 2(f) of RTI Act defines the word 'information', which speaks about the records, documents, information, circulars, orders etc. which can be accessed by the public authority.

Considering the definition of word 'information' as given in the RTI Act, the information, which has been sought by the appellant does not fall within the said definition. Moreover, Hon'ble Supreme Court in the matter in AIR 2010 Khanapuram vs. Administrative Officer pg. 615 after taken into consideration Section 6 has held that the applicant can get any information which is already in existence and accessible to public authority under law.

Further, Apex Court in a matter reported in (2011) 8SCC pg. 497 CBSE vs. Aditya Bandopadhyay vide para 63 has held that – “A public authority is also not required to furnish information which require drawing of inferences and/or making assumptions. It is also not required to provide “advice” or “opinion” to an applicant, nor required to obtain and furnish any “opinion” or “advice” to an applicant. The reference to “opinion” or “advice” in the definition of “information” in Section 2(f) of the Act, only refers to such material available in the records of the public authority.”

5. It is clear from the perusal of appellant’s application dated 26.05.2016 that the information sought is advisory in nature.

6. Keeping in view the entire facts and circumstances and ratio of law as given by the Hon’ble Supreme Court, on merits appeal fails and deserves to be dismissed.

6. The appeal is dismissed accordingly.

7. In case, the Appellant is aggrieved with this order, he may file a second appeal before Hon’ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within the time period as prescribed under the provisions of RTI Act, 2005.

Ver. G.S. Yadav
7-11-16

(G.S. Yadav)

**Joint Secretary & Legal Adviser And
First Appellate Authority**

1. Shri A.K. Singh, 4/372, Bhol Nath Nagar, Street No.13, Shahdara, Delhi – 110032.

✓ 2. Central Public Information Officer (Admn.I) Ministry of Law & Justice, Department of Legal Affairs, Room No.422-A, A-Wing, Shastri Bhawan, New Delhi – 110001.