



By Fax  
RTI Matter



भारतीय कृषि अनुसंधान परिषद  
INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
कृषि भवन : नई दिल्ली  
KRISHI BHAVAN : NEW DELHI

No. F.1(4)/2010 – CR(A)&RTI

Dated: November 11, 2011

To

The Directors/ Appellate Authorities/CPIOs/APIOs of all ICAR Institutes/NRCs/ PDs/ Bureaux/ ZPDs.  
All Appellate Authorities/CPIOs at ICAR Hqrs.

**Subject :** Observation of Hon'ble Supreme Court on RTI Act, 2005 in Civil Appeal No.6454 of 2011, arising out of SLP [C] No.7526/2009 in the case of CBSE & Anr Vs Aditya Bandopadhyay & Ors.– reg.

Sir/Madam,

I am to draw your kind attention to the circular issued by DoP&T vide their O.M. No.1/18/2011 – IR dated 16<sup>th</sup> September, 2011 regarding observation of Hon'ble Supreme Court on RTI Act, 2005 in Civil Appeal No.6454 of 2011, arising out of SLP [C] No.7526/2009 in the case of CBSE & Anr Vs Aditya Bandopadhyay & Ors. The aforesaid circular has been uploaded at ICAR's website under Right to Information Act for information and guidance of all concerned.

Apart from the above, it may be observed that on the website of Central Information Commission (CIC) at <http://cic.gov.in>, decisions of CIC in various appeals under Right to Information Act are available. It is requested that the officers dealing with the implementation of the RTI Act may be advised to study/refer to the judgments/ decisions of the CIC on regular basis so as to enable them to deal with the requests received for seeking information under the RTI Act efficiently and in the right perspective.

Yours faithfully,

( SANJAY GUPTA )  
Director (Admn.) &  
Transparency Officer/Nodal Officer, RTI  
Tel. 011-23384774

Copy for information to:

1. All DDGs, ICAR.
2. Sr. PPS to Secretary (DARE) & DG, ICAR/ PPS to AS(DARE) & Secretary, ICAR/ PS to AS&FA, DARE/ICAR/ PPS to Chairman, ASRB.
3. Dir.(DARE)
4. All Officers/ Sections at ICAR Hqrs.



No.1/18/2011-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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North Block, New Delhi  
Dated: the 16<sup>th</sup> September, 2011

**Subject:** Observation of Hon'ble Supreme Court on Right to Information Act, 2005 in Civil Appeal no.6454 of 2011, arising out of SLP [C] No.7526/2009 in the case of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.

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The undersigned is directed to invite attention to this Department's O.M. No.1/4/2009-IR dated 05.10.2009 whereby a Guide on the Right to Information Act, 2005 was circulated. Para 10 of Part I of the Guide, inter alia, stated that 'only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.' The same issue has been elaborated by the Supreme Court in the matter of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors. (Civil Appeal No.6454 of 2011) as follows:

"At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information *that is available and existing*. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of 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. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."

3. This may be brought to the notice of all concerned.



(K.G. Verma)

Joint Secretary(RTI)

Tel: 23092158

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2. Union Public Service Commission/Lok Sabha Sectt./Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.