

BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

INDIA GOVERNMENT MINT

(A Unit of SPMCIL)

IDA.Phase.II, HCL Post, Cherlapally, Hyderabad – 500 051

First Appeal No. IGMHY/A/E/22/00001 dated 07.03.2022

Ravikumar K S : Appellant
Vs.
CPIO(TO), IGMH, : Respondent
Hyderabad

ORDER

1. The appellant filed an application dated February 10th, 2022 under the Right to Information Act, 2005 (“RTI Act”) through the RTI MIS Portal bearing Registration No: IGMHY/R/E/22/00010. The respondent disposed of the request vide his online reply dated February 23rd, 2022 to the appellant. The appellant filed the present appeal dated February 23rd, 2022 against the above response. I have carefully considered the application, the response and the Appeal and find that the matter can be decided based on the material available on record.
2. From the Appeal, I note that the appellant is aggrieved by the respondent’s response to his application for providing incomplete information as far as the period is concerned.

Queries in the application:

Sl No.	Date of Application	Information sought
1	February 10 th , 2022	Being a Numismatist, I am very much interested to know whether Indian Government, Hyderabad Mint has minted 1998 - 2 Rupees - Deshbhandu Chittranjan Das, commemorative coin. It would be great if you could provide the total quantity of above commemorative coins minted by Indian Government, Hyderabad Mint.

3. The respondent provided the information to the appellant well within the prescribed period of time as per the provisions contained in the RTI Act, 2005.
4. **Grounds in Appeal** – The applicant raised the appeal on the ground that, “Any other Ground.” And stated as below:

“It would be great if you could provide following information. Whether Hyderabad Mint has minted following commemorative coin and how many coins? 1998 - Deshbhandu Chittaranjan Das - 2 Rupees Commemorative Coin.”

5. I note that the appellant had sought information with respect to commemorative coins

minted at Hyderabad mint pertaining to ₹.2/- denomination of Deshbandu Chittarnjan Das of the Year 1998.

- 6 In this regard, the undersigned had directed/sought comments from the Respondent CPIO with whom the information is maintained to inform whether any other information other than that already provided for periods pertaining to the RTI is available and that in case the information/document is available, the same may be provided so that the same can be provided to the Appellant.
- 7 Further, in response to the above of the undersigned, concerned section & CPIO(TO) has provided the following information/comments on record dated 22.03.2022:

“Information Sought is not available in the records.”

- 8 The FAA observes that, the CPIO is obliged to provide the information to the extent it is available in their records. If the information in the manner sought by the applicant is not available, there is no bounden duty on the CPIO to create any fresh compilation for non-existent records. This legal principle is supported by the decision of the Hon’ble Delhi High Court in its order dated 07-01-2016 of Page 3 of 4 in LPA 24/2015 & CM No. 965/2015 titled as ***“The Registrar of Supreme Court of India v. Commodore Lokesh K Batra & Ors.”*** wherein, it was held as under:-

“15. On a combined reading of Section 4(1) (a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, “right to information” under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant.”

- 9 Further, it is also observed that under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. In this context, the decision of the Hon’ble Supreme Court of India in Khanapuram Gandiah v. Administrative Officer and Ors. in SLP (C).34868 OF 2009 (Decided on January 4, 2010) can be cited where it was held as under:

6. “...Under the RTI Act “information” is defined under Section 2(f) which provides: “information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, 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.”

This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed.”

7. “. . . the Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the “public authority” under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any

reasons as to why he had taken such a decision in the matter which was before him."

10. Also, the Hon'ble Supreme Court in SLP(C) NO. 7526/2009 (CBSE & Anr. Vs. Aditya Bandopadhyay & Ors) had held that:

"35. 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."

11. Further, the Hon'ble CIC in S. P. Goyal vs V. C. Ramachandran (Case Nos. CIC/SG/C/2011/000760, CIC/SM/A/2011/000926/SG, CIC/SM/A/2011/001111/SG, CIC/SG/A/2011/002909 Dated 17th January, 2012) observed that:

"The Commission, at several appellate hearings, has explained to the Complainant that under the RTI Act, only the information as per records can be made available; multiple RTI applications and appeals would not provide him any information beyond the records that exists."

12. In exercise of the powers, conferred upon the Appellate Authority under Section 19(6) of Right to Information Act, 2005, the appellate authority finds no reason to interfere with the responses provided by the respondent CPIO.

13. The Appeal stands disposed.

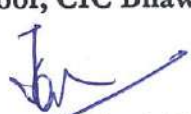
The decision can be appealed against to CIC within a period of 90 days at below mentioned address or through the online RTI portal.

Central Information Commission, Room No. 305, 2nd Floor, CIC Bhawan,
Baba Ganganath Marg, Munirka, New Delhi - 110 067.

Place: Hyderabad

Date: March 22, 2022

F.No. IGMH/RTI/FAA/2021-22 / 2475


(Jyoti Prakash Dash)

APPELLATE AUTHORITY &
CHIEF GENERAL MANAGER

To,
Sri.Ravikumar KS,