

**CENTRAL INFORMATION COMMISSION**

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<b>F.No.CIC/AT/A/2007/00659</b>		<b>F.No.CIC/AT/A/2007/00660</b>
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<b>F.No.CIC/AT/A/2007/00663</b>		<b>Total : 5 Appeals</b>

Dated, the 7<sup>th</sup> September, 2007.

**Appellant : Shri Amin Merchant, House No.184, Gulistan, D' Monte Park Road, Bandra (West), Mumbai-400 050.**

**Respondents : Shri Ravinder Saroop, CPIO, Tax Research Unit, Department of Revenue, Ministry of Finance, Room No.146-H, North Block, New Delhi-110 001.**

**Shri Gautam Ray, Joint Secretary (TRU), Department of Revenue, Ministry of Finance, Room No.146-I, North Block, New Delhi-110 001.**

This is a bunch of 5 second-appeals filed by the appellant, Shri Amin Merchant against the orders of the Appellate Authority (AA), Shri Gautam Ray, Joint Secretary (TRU), Department of Revenue.

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2. The information solicited by the appellant is "Explanatory Notes" (EN) which according to him admittedly existed on the records of the Tax Research Unit (TRU). According to the appellant, the copies of the ENs are laid before the Parliament along with exemption notifications, as part of the budget exercise of the Union Government. The appellant believes that furnishing the copies of the ENs would have revealed "*the errors and irregularities committed by the TRU Department.....*" and hence, according to his surmise, the CPIO and the AA were reluctant to part with the same.

3. The order of the AA states that the CPIO actually provided to the appellant portions of ENs corresponding to the information sought by the appellant. The EN apparently is a detailed and elaborate document containing a vast array of facts and details. According to the respondents, "*the documents sought for include other information not relevant to the query*". Therefore, the respondents disclosed to the appellant only relevant extracts pertaining to his queries.

4. From the decision of the AA, it is quite clear that EN is not claimed to be a confidential or privileged document. The respondents seems to have no objection to disclose the same, except that they chose to disclose only that portion of the EN which, according to the respondents, corresponded to the appellant's queries.

5. This being so, it is yet unclear whether the ENs are held exclusively by the respondents or these are already a disclosed public document, which have come out into the open along with all the other budget-related papers following the approval of budget

by Parliament. *It is, therefore, directed that if the ENs are exclusively held by the respondents, the entire EN should be given to the appellant within 3 weeks from the date of the receipt of this order. The respondents may charge to the appellant the requisite fee and cost for transmission of such information if and when it is done. If, however, the EN is already in the public domain having been put there by the public authority, the respondents may, within 1 week from the date of the receipt of this order, direct the appellant to the source of this information and advise him about the methodology of obtaining the same.*

6. The appeal is disposed of with these directions.

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7. A perusal of the queries of the appellant (enclosed as **Annexe-I** and **Annexe-II**) reveals that these seem to be in the nature of questions about what the appellant believes to be acts of omission and commission of the public authority. For example he wants to know “*why in the case of goods falling under sub-heading no.2208.10 a suitable exemption notification is NOT being issued.....*”; “*why is the TRU department of the Finance Ministry adopting a discrimination by not issuing a suitable exemption notification.....*”; “*Is not the TRU department bound in law to prescribe amendments in tariff laws.....*”; “*Whether goods falling Under sub-heading no.2208.10 are specifically appearing in Agriculture Schedule to WTO .....*”; “*Whether goods falling under sub-heading no.2208.10 were specifically forming subject matter of Uruguay Round of Tariff negotiations ...*”, etc. etc.

8. The AA has rightly held that these are not queries for information but demands for explanations from the respondents about certain pre-conceived notions which the appellant has about the respondents’ duties. Suffice it to say, that while the RTI Act entitles each citizen to seek and receive information from public authorities, it does not allow him any liberty to seek explanations, reasons or to force any decision on those public authorities.

9. The respondents have, therefore, been wholly within the ambit of the RTI Act in rejecting this RTI-request.

10. *It is directed that there shall be no disclosure obligation as regards these two second-appeals.*

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11. The appellant’s RTI-queries dated 2.1.2007 in this second-appeal is enclosed to this order as **Annexe-III**.

12. The AA has pointed out in his order that the appellant seems to be repeatedly asking the public authority for same or similar information and, on several occasions, he asked for information in regard to the documents which he himself seems to possess and which he himself brings to notice of the respondents. The AA further pointed out that “*I also note that the appellant, through various applications under RTI Act, 2005, is only*

*trying to drive home one point to the TRU that is, error in rates of customs duty on certain goods imported by the appellant for the financial years for which the information is being sought.”*

13. From a perusal of the type of the queries the appellant has been raising, the AA seems to be right in making the above observation. The drift of the queries is towards establishing that the TRU failed to perform its duties and wrongly advised the Executive and the Legislature about certain tariff proposals which were eventually approved.

14. In spite of that, the CPIO has given to the appellant substantial information besides directing him to information which is already in public domain.

15. I will not like to go into the details of these queries. Suffice it to say that apart from what the appellant has been supplied as information by the CPIO he doesn't have the entitlement for any other. His queries are about eliciting the respondents' comments and observations about the manner in which they performed their role relating to certain tariff proposals which were approved finally by the Parliament. No explanation is owed to the appellant by the respondents, who as part of the Executive which pilots the budget before the Parliament, is answerable only to the Parliament and to no one else. Apart from this, the respondents are not obliged to clear the semantic doubts of the appellant or to satisfy his curiosity about their own functioning. The Commission shall not encourage such freewheeling questioning of the public authority by interested petitioners.

16. The appeal is rejected.

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17. The questions asked by the appellant from the respondents are enclosed as **Annexe-IV**.

18. The trend and temper of these questions is identical to those in appeal no.CIC/AT/A/2007/00661, viz. to demand explanations from the respondents about their actions in respect of certain budget proposals which were subsequently approved by the Parliament. It is quite possible that the appellant has serious concerns about some of these proposals or even interpretation about certain entries in these proposals. But it is not open to him to interrogate the respondents for the same. The budget proposal and all notification therein are comprehensive and complete documents. It is always open to any person to read them and draw his conclusions. If he is not happy with some of the proposals such person may even petition the appropriate Department of the Government or the Parliament or agitate this matter before a court of law. But it is not open to him to question the respondents / public authority about why a certain matter was handled in a certain way and not differently. The public authority owes him no explanation. The RTI Act Section 2(f) defines and sets the limit to a person's right to seek information regarding files, documents, etc. It would be wholly inappropriate to allow actualization of this right through some kind of a direct democracy procedure whereby the citizen asks any question and public authority answers it. That is not what the RTI is all about. The Act sets-out clearly what comprises information and, by implication, defines the limit on seeking it.

19. The appellant herein is attempting to use the public authority as some sort of a free consultants to him, who should advise him about the specifics of tariff proposals, besides explaining their own conduct to him. RTI Act gives to the appellant no such right.

20. In consideration of the above, it is held that there shall be no disclosure obligation beyond what has been disclosed by the CPIO in this RTI-petition of the appellant

21. The appeal is rejected.

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

Authenticated by –

Sd/-  
( D.C. SINGH )  
Under Secretary & Asst. Registrar

Address of parties:

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