

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Appeal No.91/2024/SCIC

Mrs. Florina Silva,
R/o. H. No. 262, Donvaddo,
Salvador do Mundo,
Bardez –Goa. 403101.

..... Appellant

v/s

Public Information Officer,
Assistant Registrar, (Judicial)
High Court of Bombay at Goa,
Penha de Franca,
Porvorim-Goa, 403521.

.....Respondent

Shri Aravind Kumar H. Nair - State Chief Information Commissioner

Relevant Facts Emerging from the Appeal

RTI application filed on	- 21-12-2023
PIO replied on	- 28-12-2023
First Appeal filed on	- 08-01-2024
First Appellate order on	- 06-02-2024
Second appeal received on	- 16-04-2024
Decision of the Second Appeal on	- 13-01-2025

Information Sought and Background of the Appeal

1. Mrs. Florina Silva filed an RTI application dated 21/12/2023 to the Public Information Officer, (Assistant Registrar/Judicial), High Court of Bombay of Goa seeking following information:
 - i. *Furnish certified copy of letter no. HCB/GOA/DM-204/200 dated 28/8/2002 of High Court of Bombay at Goa regarding cancellations and null and void of marriage between Antonio Caetano Francisco de Souza and Francisquinha Carmelina Siqueira.*
 - ii. *Certified copy of all enclosures, order, entire file entire noting and all other correspondence related to the above said letter.*
 - iii. *Fix date of inspection of above said file and all documents pertaining to above said letter.*

iv. *If this required information sought on the above subject is held by another Public Authority, kindly transfer this application to that Authority immediately.*

2. In response to the RTI application dated 21/12/2023, PIO (Ms. Seema Ferrao, Assistant Registrar (Judicial), High Court of Bombay at Goa vide letter dated 28/12/2023 replied to the Appellant as under :

"Please refer to your application dated 21/12/2023, I am to inform you that an amount of Rs.12/- (i.e. information consists of 6 photo copied pages of Rs.2 per page=Rs.12) towards the fees for providing information may be deposited to enable the undersigned to furnish the said information. As telephonically informed, you may inspect the documents pertaining to Letter No. HCB/GOA/DM-204/2002 dated 28/08/2002 as per your request No. 2".

3. Then vide letter dated 28/12/2023, PIO furnished the Appellant information/documents consisting of 6 photocopied pages pertaining to the letter No. HCB/GOA/DM-204/2002 dated 28/02/2002. The information/documents provided to the Appellant contains the following :

- i. *Letter dated 28th August 2002 from Additional Registrar to the District Registrar cum Head Registrars and Notary Services, Panaji and statement containing particulars of 6 marriage matters with a copy marked to the Judge/Official Patriarchal Tribunal of Archdiocese of 'Goa & Daman', Altinho, Panaji.*
- ii. *Copy of the letter dated 10/07/2002 from Fr. Jose Remedios Fernandes, Judge Official addressed to Additional Registrar, High Court of Judicature of Bombay, Goa Bench, Panaji in the letter head of Patriarchal Tribunal of the Archdiocese of Goa and Daman, Altinho, Panaji forwarding a copy of the Decree dated 26th April 2002, whereby the Metropolitan Tribunal of the Archdiocese of Bombay, Bandra (W), Mumbai acting on second instance ratified the affirmation sentence of 23rd February 2002 given in first instance by the Patriarchal Tribunal of the Archdiocese of Goa and Daman declaring null and void the marriage of Antonio Caetano Francisco De Souza (Petitioner) and Francisquinha Carmelina Siqueira (Respondent) celebrated on 9th February 1963 at Saviour of the World Church, Salvador do Mundo, Bardez, Goa.*

4. In the second paragraph of this letter, Fr. Jobe Remedios Fernandes, Judge Official requested the Addl. Registrar, High Court of Bombay, Goa Bench to kindly order the cancellation of the Civil Registration of the Marriage (Entry No. 241, in the Civil Registration of Books for the year 1963 in the Civil Registration Office, Bardez Goa) as per terms of Article 19 of the Decree No. 35461 dated 22.01.1946 and per oral Judgement dated December 17, 1982 (Civil Ref. No. 1/B/1982) passed by the High Court of Judicature of Bombay, Goa Bench (Panjim) and thereafter inform this Patriarchal Tribunal for further action.

5. After receiving the above said information (06 photocopied pages of documents) from the PIO, Civil Registrar(J) High Court of Bombay at Goa, the Appellant Mrs. Florina Silva vide application dated 01/01/2024 sought the PIO (Asst Registrar-J) to kindly furnish the instructions from the Hon'ble Senior Judge, Order, Roznama, order pronounced and other instructions citing second paragraph of the letter dated 28th August 2002 of Shri D.R. Khanzode, Additional Registrar to the District Registrar cum Head of Registrars and Notary Services, Panaji, Goa which states as under :

"I am therefore, under instruction from the Hon'ble Senior Judge of this Bench to request you to kindly direct the cancellation of the civil registration of the marriage registered at the entry number mentioned in the enclosed statement in terms of Article 19 of Decree No. 35461 dated 22/01/1946."

6. In response to the Appellant's application dated 01/01/2024, Respondent PIO vide letter dated 02/01/2024 replied as under :

"On your visit to this Registry on 28/12/2023 and vide reference No. 1, you were granted inspection of the papers pertaining to letter No. HCB/GOA/DM-204/2002 dated 28/08/2022 and were informed that the note put before the Senior Judge cannot be given to you, since it is an internal noting and further it contains information in respect of other private individuals."

The undersigned regret to express her inability to furnish the information asked for on account of the reason ***the information would cause unwarranted invasion of the privacy of any person.***

However, if you feel aggrieved by the above said refusal, you may file an appeal before the Registrar (Judicial) Appellant Authority, High Court of Bombay at Goa, Porvorim Goa within 30 days of the receipt of this letter”.

7. Subsequently, aggrieved with this reply of the Respondent PIO, the Appellant preferred first appeal dated 08/01/2024 before the First Appellate Authority (Registrar (Judicial), High Court of Bombay at Goa) requesting to furnish the instructions from the Hon'ble Senior Judge, order, roznama, noting, order pronounced and any other instructions pertaining to para 2 of the letter dated 28th August 2002 of Additional Registrar, Bombay High Court at Goa to District Registrar cum Head of Registrar and Notary Services, Panaji – Goa.

Citing Respondent PIO's reply that -

- (i) *"Note put before the senior Judge cannot be given to you since it is an internal noting and further it contains information in respect of other private individuals.*
- (ii) *Furnishing of the information would cause unwarranted invasion of the privacy of any person "Appellant submitted in her first appeal that "the information would cause no unwarranted invasion of the privacy of any person as I sought the information of my Father-in-Law and my Mother-in-law mentioned on statement containing particulars of T.G. Pr 69/2000 dated 10/07/2002. As per my application dated 21/12/2023 and 01/01/2024. I don't need information of other five mentioned on the statement”.*

8. Appellant prayed before the FAA to direct the PIO to provide the information as requested vide application dated 21/12/2023 and its continuation dated 01/01/2024 under RTI Act. 2005.
9. The Appellant in her subsequent application dated 30/01/2024 to the First Appellate Authority during the first hearing in first appeal held on 20/01/2024, stated that the Respondent PIO produced the file

pertaining to letter No. HCB/GOA/DM-204/2002 dated 28/08/2002 before the FAA for the inspection of the said file by the Appellant. According to the Appellant, during the course of inspection, she found that there was a remark on noting saying that "*Order is not passed*" pertaining to letter No. HCB/GOA/DM-204/2002 dated 28/02/2002.

10. Appellant further submitted that during the next hearing in her first appeal held on 29/01/2024 also Respondent PIO informed that letter saying that "*Order is not passed*" will be issued to the Appellant at next date of hearing i.e. 03/02/2024. Appellant in her second application to the FAA prayed to issue the Appellant the copy of noting remark "*Order is not passed*", which is on record along with the letter of Respondent PIO saying that "*Order is not passed*" pertaining to letter No. HCB/GOA/DM-204/2002 dated 28/08/2002.
11. After hearing in first appeal, First Appellate Authority Shri. Ram S. Prabhu Dessai vide letter dated 07/02/2024 dispatched copy of order dated 06/02/2024 passed by the FAA in which FAA observed that only contentious issue is regarding the information sought to vide application dated 01/01/2024 i.e. the details of the instructions Hon'ble Senior Judge based on which the order dated 20/08/2002 was issued by the Additional Registrar of the Hon'ble Court to the District Registrar cum Head of Registrar and Notary Services. FAA further observed that the reason given for the refusal of information viz. that the information would cause an unwarranted invasion to the privacy of any person is concerned would not survive since the Respondent has already furnished the copy of the settlement showing the particulars of the matter received from the Patriarchal Tribunal of Archdiocese of Goa and Daman.
12. In the judgement, FAA observed that rejection or the refusal to furnish the above details on the ground stated, is not justified and hence the said information can be very well furnished to the Appellant, who has produced the necessary documents to establish her relationship with her

parent-in-laws, whose annulment details are referred to in the note/submissions prepared by the Registry.

13. The judgement further carry the observation of the FAA on the said internal noting as under :

"The contents of the note/submission and more particularly the decision of the Hon'ble High Court of Bombay at Goa, in Civil Reference No. 1 of 1994, 2 of 1994 and 4 of 1994 referred therein make it clear that the exercise undertaken by the Hon'ble High Court of giving the directions to the Civil Registrar based on the decree forwarded to it by the Ecclesiastical Courts for annulling the marriage is only an administrative act. It does not involve any judicial function."

14. The FAA vide order passed on 06/02/2024 directed the Respondent (PIO) to furnish a copy of the Note/Submission dated 23/08/2002 prepared by the Registry along with the order passed therein and the copy of the letter dated 10/07/2002 of Patriarchal Tribunal of the Archdiocese of Goa and Daman and Decree of Ratification dated 26/04/2002 passed by the Metropolitan Tribunal of the Archdiocese of Bombay within the stipulated time.

15. Complying with the order dated 06/02/2024 passed by the FAA, Respondent PIO vide letter dated 07/02/2024 furnished following information to the Appellant:

- (i) *Note/submission dated 02/03/2002 prepared by the Registry along with the order passed therein (3 pages)*
- (ii) *Copy of the letter dated 10/07/2002 of Patriarchal Tribunal of the Archdiocese of Goa and Daman (1 page)*
- (iii) *Decree of Ratification dated 26/04/2002 passed by the Metropolitan Tribunal of the Archdiocese of Bombay (2 pages)*

15. Aggrieved, unhappy and unsatisfied with the incomplete information provided by the Respondent PIO, Appellant preferred second appeal dated 16/04/2024 before the Commission u/s. 19 of the RTI Act, 2005. Appellant's prayer before the Commission is to direct the PIO to provide noting of note/submission dated

23/08/2002 prepared by the Additional Registrar and also noting of letter for cancellation of marriage dated 28/02/2002 signed by the Additional Registrar.

16. Pursuant to the second appeal, parties were notified fixing the matter for hearing before the SCIC on 13/01/2025.

Facts Emerging in Course of Hearing

17. During the hearing, Appellant submitted that she has strong doubt over the said annulment of the marriage of her in-laws (late) in the year 2002, based on the letter No. HCB/GOA/DM-204/2002 dated 28/08/2002 sent to the District Registrar cum Head of Registrars and Notary Services, Panaji by Shri. S. R. Khanzode, Additional Registrar, High Court of Bombay at Goa.
18. Appellant further submitted that this letter having the subject 'cancellation of marriage' is issued by the Additional Registrar to the District Registrar based on the order pronounced by the High Court of Bombay at Goa and the said order should be furnished to her by the Respondent PIO. Respondent PIO submitted that there is no order issued by the High Court in this annulment of marriage issue because the High Court only endorse the Decree of the Metropolitan Tribunal of the Archdiocese of Bombay acting in second instance after ratifying the affirmative sentence given by the Patriarchal Tribunal of the Archdiocese of Goa and Daman.
19. Respondent PIO further clarified that based on the Decree received by the Registry of High Court of Bombay at Goa from the Metropolitan Tribunal of the Archdiocese of Bombay, Registry submit the matter with a note before the Court for direction as to 'Approval' or passing such orders Court deems proper and necessary. In the present case only approval was accorded to the Decree of the Metropolitan Tribunal of the Archdiocese of Bombay annulling the marriage between parents in laws (both expired) of the Appellant.

20. Respondent PIO submitted that the High Court of Bombay at Goa had not issued any order annulling the marriage of the parents in law of the Appellant and there is only endorsement in the note put up before the Judge by the Registry. At this point, Appellant demanded the Respondent PIO to furnish letter stating the "*order is not passed*". According to the Appellant, during the hearing in first appeal, Respondent had submitted that letter will be issued to Appellant saying that 'order annulling the marriage of Appellant's parent in law **is not passed**'.
21. Respondent PIO submitted that following the order dated 06/02/2024 passed by the FAA, Note/Submission dated 23/08/2002 prepared and submitted before the Hon'ble Judge Shri. Justice S.R. Radhakrishnan by the Registry along with the order passed therein (endorsement as '*approved*' with signature of Hon'ble Judge Justice S. R. Radhakrishnan and date) is furnished to the Appellant vide letter dated 08/02/2024. Respondent PIO further submitted that PIO has already submitted information sought by the Appellant except the latest request - Issue a letter stating that 'no order is passed' in the subject matter of the Appellant's RTI application.
22. Respondent PIO has filed a copy of the Office Memorandum No. 11/2/2008-IR dated 10th July 2008 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India on the subject clarification regarding format in which the information should be supplied under RTI Act, 2005. The said office memorandum stated that "*The PIO is required to supply such material to the citizen who seeks it. The Act however does not require the PIO to deduce some conclusion from the 'material' and supply the 'conclusion' to deduced to the Appellant. The PIO is required to supply the material in the form as held by the Public Authority*". In the present appeal, the Respondent has furnished a copy of the 3-page Note/Submission dated 23/08/2002 submitted by the Registry before the Hon'ble Shri Justice S. Radhakrishnan and

page number. 3 of the Note/Submission carry the order of Hon'ble Justice S. R. Radhakrishnan as "*A is approved*" with his signature and date.

Commission's Observations

- i. Respondent PIO has furnished information sought by the Appellant vide RTI application.
- ii. Initially Appellant was given inspection of the note dated 23/08/2002 submitted to the Hon'ble Shri Justice S. Radhakrishnan by Shri S.R Khanzode, Additional Registrar, letter dated 10/07/2002 of the Patriarchal Tribunal of the Archdiocese of Goa and Daman and Decree of Ratification dated 26/04/2002 passed by the Metropolitan Tribunal of the Archdiocese of Bombay. Subsequently Appellant received copy of all the documents from the Respondent PIO.
- iii. Since the Appellant consider the Note/Submission (made by the Additional Registrar to the Judge Justice S. Radhakrishnan) is very crucial for her to prove that the annulment of the marriage of her parent-in-law did not take place at all, Appellant was furnished a copy of the same by the Respondent.
- iv. Since the Appellant has doubt over the said annulment of the marriage of her parent-in-law, Appellant has to approach the Patriarchal Tribunal of the Archdiocese of Goa and Daman, Altinho, Panaji to avail clarification and to allay her apprehension over the genuiness of the annulment of the marriage.
- v. High Court of Bombay at Goa has no direct role or involvement in the said annulment of marriage of the parent-in-law of the Appellant as the Court simply endorse the Decree received from the Metropolitan Tribunal of the Archdiocese of Bombay ratifying the sentence of the Patriarchal Tribunal of the Archdiocese of Goa and Daman declaring the marriage null and void.

- vi. Since para 3 of the Decree of Ratification issued by the Metropolitan Tribunal of the Archdiocese of Bombay states that on February 24, 2001 Antonio de Souza filed a petition before the Patriarchal Tribunal of the Archdiocese of Goa and Daman for a declaration of nullity of his marriage. The said Tribunal in a sentence dated February 23, 2002 declared the marriage null on grounds of 'Inability on the part of the Respondent to assume and fulfill marital obligations'.

As the Patriarchal Tribunal declare its sentence after following necessary procedures, how the Appellant was unaware of these development lasted for a year – filing of petition on 24/02/2001 and declaration of nullity of the marriage.

- vii. Appellant is at liberty to approach the Patriarchal Tribunal of the Archdiocese of Goa and Daman to ascertain the facts about the petition leading to the declaration of the nullity of the marriage of the parents in law of the Appellant.
- viii. Commission is of the opinion that Respondent PIO has nothing to furnish more as PIO has furnished all available information in the office and also complied with the order passed by the FAA.
- ix. Since the Court has the only role of enforcing the nullity of marriage solely based on the Decree of Ratification forwarded to the Registry of the Court by the Patriarchal Tribunal of the Archdiocese of Bombay, nullity of marriage related matter is completely under the perceive of the Patriarchal Tribunal of the Archdiocese of Goa and Daman as well as Metropolitan Tribunal of the Archdiocese of Bombay.

Appellant is at liberty to approach the above said Tribunals to get redressal of her grievance.

- x. During the hearing today 13/01/2025, Respondent PIO has provided adequate clarification to the Appellant and made sincere effort to eradicate Appellant's doubt over the role of Court in the annulment of marriage by the Patriarchal Tribunal leaving no further scope of Commission's intervention or direction in the present appeal.

DECISION

Since the Patriarchal Tribunal of Goa and Bombay are the real authorities in the petition for declaration of nullity of marriages like on mentioned in the RTI, the Applicant Mrs. Florina Silva is advised to approach these Tribunals at Goa and Bombay with her grievance. The Appeal is disposed of accordingly.

- **Proceeding in the matter stands closed.**
- **Pronounced in open Court.**
- **Notify the parties.**

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC