

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri M. S. Keny, State Chief Information Commissioner

**Appeal No.203/SIC/2010**

William A. Borges,  
Dy. General Manager (Admn).  
Goa Industrial Development Corporation,  
EDC Complex,  
Patto Plaza, Panaji ... Appellant

**V/s**

1. The First Appellate Authority,  
Managing Director,  
Goa Industrial Development Corporation,  
EDC Complex,  
Patto Plaza, Panaji
2. The Public Information Officer,  
Goa Industrial Development Corporation,  
EDC Complex,  
Patto Plaza, Panaji ... Respondents

Appellant through his representative Shri Rui Ferreira.  
Respondent in person.

**J U D G E M E N T**  
(27/10/2011)

1. The appellant, Shri William A. Borges, has filed the present appeal praying that the appellate authority i.e. respondent No.1 be directed to furnish the required information as requested under para 1 of the application dated 23/3/2010 and not to take shelter under Sec.2(f) of the Right to Information Act, 2005 and that the respondent No.2 be directed to provide the information with duly indexed and signed by Dy. General Manager (Law) and General Manager (A) as stated by the Public Information Officer in his reply.

2. The brief facts leading to the present appeal are as under: That the appellant vide application dated 23/3/2010, sought certain information under Right to Information Act, 2005 (R.T.I. Act for short) from the Public Information Officer (P.I.O.)/respondent No.2. That the respondent No.2 vide his letter dated 23/4/2010 informed the appellant that the information sought by the applicant is ready for collection and requested to pay Rs.668/- towards documents fees and to collect the same. That the appellant paid the said sum vide receipt dated 23/4/2010. That by letter dated 23/4/2010, the respondent No.2 informed the appellant that he has forwarded point wise information and enclosed some of the information which is not indexed and incomplete in all respect as sought by the appellant. Aggrieved with the same, appellant filed appeal before the Appellate Authority/Respondent No.1.

That by the order dated 7/6/2010, the Appellate Authority held that the information called for by the appellant has been provided and the appeal was disposed off. That the appellant also made request for inspection etc. Being aggrieved by the said order and by the information which is not complete the appellant has preferred the present appeal.

3. The respondent resists the appeal and reply of the respondent No.2 is on record. It is the case of respondent No.2 that appeal filed by the appellant is not maintainable. That the same is misconceived in law and on facts that the relief sought are beyond the provisions of R.T.I. Act and as such the appeal is liable to be dismissed. On merits it is the case of the respondent No.2 that the appellant vide his application dated 23/3/2010 had sought information listed at paras 1 to 4 of the said application. That by letter dated 23/4/2010, the

respondent No.2 furnished the information as sought by the appellant. That information to point 1 was refused since the same did not fall within the purview of Sec.2(f) of the R.T.I. Act. That the Hon'ble High Court has also held that question (why) or asking for justification can not be classified as information. That the respondent NO.2 was therefore justified in refusing query sought by the appellant in para 1 of the appellant's application dated 23/3/2010. That rest of the information was furnished to the appellant. That the appeal filed by the appellant was disposed by order dated 7/6/2010. That the said order is not challenged. That the appellant has not made any grievance with regards the records/order dated 7/6/2010. That on the contrary, appellant upon the disposal of the first appeal sought for inspection of the file. That by letter dated 6/9/2010 addressed to the appellant respondent No.2 informed the appellant that he could take inspection by contacting the section heads of the respective department. The respondent No.2 denies that the appellant's application dated 8/7/2010 was not responded/replied to by the respondent No.2. That the entire appeal does not disclose any ground so as to enable the appellant to maintain the said appeal. That the appellant also not made out any case in support of his contention that the information was sought by him was not complete in all respects and/or there is denial of information. That the contention of the party with regard to information sought not being indexed and incomplete is denied. In short, it is the case of respondent No.2 whatever information available with respondent No.2 has been furnished to the respondent. That the appellants request for inspection having been accepted by the respondent No.2 and the appellant having failed to take inspection, disentitles the appellant to maintain the present appeal. That no fault can be found in the replies/information furnished to the appellant,

that the appellant has failed to make out any case for entertaining any appeal and that the appeal be dismissed.

4. It is seen that initially parties appeared. However at the argument stage, the parties did not appear. In any case I am disposing the appeal on the basis of records.

5. I have carefully gone through the records of the case and also considered the pleadings of the parties. The short point that falls for consideration is whether relief prayed is to be granted or not?

It is seen that the appellant vide application dated 23/3/2010 sought certain information. By letter dated 23/4/2010, the appellant was called to pay the fees. It is seen from record that by letter dated 23/4/2010, the information is furnished. As per appeal memo before F.A.A. the appellant state that he is satisfied with information at point No.3 and 4.

The grievance of the appellant is that some of the information is not indexed and secondly that information in respect of point no.1 is not furnished.

6. Regarding indexing I must say that P.I.O. has to furnish information as is available in the record of public authority. The documents are to be certified by P.I.O. under R.T.I. Act.

7. Now I shall refer to point No.1 which is as under :

“.....  
*In the given circumstances I would like to know under the Right to Information Act, why Goa-IDC has not filled the post of office Manager(Law) first and why Goa IDC have filled the post of Dy. General Manager (LAW) first and that*

*too on direct recruitment basis when the Dy. General Manager post in Goa-IDC is supposed to be on promotional basis.”*

It is to be noted here that under sec.2(f) “Information” means any material in any form, including records, documents, E-mails, opinions, advices, press releases, circulars, orders, log-books, contracts, reports, 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. Under Sec 2(i) the term “record” has been defined widely to include any documents, manuscript, file etc. Under 2(j) “Right to Information” means the right to information accessible under this act which is held by or under control of any public authority.

A combine reading of Section 2(f), 2(i) and 2(j) of the R.T.I. Act would show that a citizen is entitled for disclosure of information which is in material form with the public authority and information’ and the right to seek do not include opinions, explanations etc.

In fact the query raised under Sr. No.1 referred by me hereinabove is a matter required to be agitated before a competent forum.

I have perused some of the rulings of C.I.C. on the point.

(i) The Major (Retd) P.G. Deval V/s. Central Excise & Custom Department (Decision No.F.No.CIC/AT/A/2008/00424 dated 28/07/2008) it was held that R.T.I. Act cannot be invoked to demand and obtain from a Public Authority explanations, reasons, justifications and so on in respect of decision made.

(ii) In K. Anand Kini V/s. Canara Bank (as decided by CIC on 2007) it is held that no queries like why, what, how etc can be answered by a public Authority. In the guise of information seeking explanations and queries about nature and quality of action of public authority need not be raised for answer. Again it is held that R.T.I. Act does not cast on the Public Authority any obligation to answer queries in which attempt is made to elicit answers to questions with prefixes such as why, what, when and whether.

The eloquent reply to the contention of the appellant is found in the following decision:-

(iii) In Celsa Pinto V/s. Goa State Information Commission, (Writ Pet. No.4/9/2007 decided on 3-4-2008) the High Court of Bombay (Panaji-Goa Bench) defined the term "Information" as under : "The definition of information 'cannot include answers to the question 'why' as that would be asking for a justification. The public information authorities cannot be expected to communicate to the citizen the reason why a certain thing was done or not done in the sense of justification because the citizen makes a requisition for information. Justifications are a matter within the domain of adjudicating authorities and cannot properly be classified as information."

In view of the above, I do not find any infirmity in the order of F.A.A. or P.I.O.

8. Another contention is that the information received is not signed by the Dy. General Manager (Law) and the General Manager (A) as stated in their covering letter dated 23/4/2010 and that information given is not indexed and authentic.

Now under R.T.I. the information issued is to be signed in the sense certified by P.I.O. P.I.O. is supposed to furnish the information as held by the public authority.

In case the same is not certified in that case the appellant can get the same certified from the P.I.O./respondent No.2 and respondent No.2 to certify the same. However this appears to be not the grievance.

In any case, I do not find any infirmity in the order of F.A.A. regarding the point of the application.

In view of all the above, I pass the following order.

**O R D E R**

The appeal is dismissed.

The appeal is accordingly disposed off.

Pronounced in this Commission on this 27<sup>th</sup> day of October, 2011.

**Sd/-**  
**(M. S. Keny)**  
State Chief Information Commissioner





