

# GOA STATE INFORMATION COMMISSION

## AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

**Appeal No. 185/SIC/2008**

Shri Pratap Mardolkar,  
Shiv Sena – South Goa Chief,  
H. No. 84, Alto Dabolim,  
Mormugao – Goa

... Appellant.

V/s.

1) The Public Information Officer,  
Shri S. V. Salkar,  
The Inspector of Factories & Boilers,  
Altinho, Panaji – Goa.

... Respondent No. 1

2) The First Appellate Authority,  
The Chief Inspector,  
Inspectorate of Factories & Boilers,  
Altinho, Panaji – Goa.

... Respondent No. 2

Shri R. G. Furtado, authorized representative for the Appellant in person.

Respondent No. 1 in person.

### **JUDGMENT**

(Per Afonso Araujo)

The Appellant by request dated 15.02.2008 sought information under Right to Information Act, 2005 (for short, The Act) enumerated at Sr. No. 1 to 24 and pertaining to the fire taken place due to the leakage of gas from the waste heat boiler at Zuari Industries Limited (hereinafter referred to as 'Zuari').

2. The Respondent No. 1 by communication dated 18.03.2008 provided the information at Sr. No. 1 to 24 to the request dated 15.02.2008. Not satisfied with the information provided, the Appellant preferred First Appeal on April 2, 2008 and by order dated 05.05.2008, the First Appellate Authority - the Respondent No. 2,

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based on information furnished by the Respondent No. 1 and upon enquiry regarding the incident in the factory premises directed the Respondent No. 1 to furnish the time of the incident and information at Sr. No. 11 to 15 and 18 to 20 of the request of the Appellant dated 15.02.2008. The Respondent No. 1 on 22.07.2008 in compliance of the order of the Respondent No. 2, provided the information at Sr. No. 11 to 15, 18 to 20. The Appellant, still not content with the information provided, preferred this Second Appeal.

3. It appears that the queries at Sr. No. 1 to 24 of the request dated 15.02.2009 was the result of the direction given by the Commission to the Appellant to frame specific queries. The Respondent No. 1 initially by communication dated 18.03.2008 provided the information to the queries at Sr. No. 1 to 24 and subsequently in pursuance of the order of the First Appellate Authority, the Respondent No. 1 on 22.07.2008 provided the information to the query at Sr. No. 11 to 15 and 18 to 20. The replies of the Respondent No. 1 in the letters dated 18.03.2008 and 22.07.2008 is the same, with addition that in the reply dated 22.07.2008 stated that the relevant incident of leakage was not a dangerous occurrence under Goa Factory Rules, 1985. It may be pointed out here the information which any Public Information Officer is required to provide is from the records and is not required to give his opinions or comments on the question posed before him and as such the replies to the queries at Sr. No. 11 to 15 and 18 to 20 stating that the relevant incident of leakage was not dangerous occurrence under Goa Factory Rules, 1985, is uncalled for.

4. The information at Sr. No. 11 the Appellant requires day and time the Company first noticed the leakage and at what time the gas caught fire. To this query the Respondent No. 1 provided the date as

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28.07.2007 but as to the time the Respondent No. 1 stated that it is not known and the query at Sr. No. 12, the Appellant requires the names and designations of the employees who first noticed the leakage; at Sr. No. 13 requires the names and designations of the employees who were witnesses to the leakage and fire; at Sr. No. 14 which are the gases that leaked out and what was the temperature and pressure of each of the gases at the time of leakage; at Sr. No. 15 whether the fire fighting team of Zuari tried to put out the fire, whether they succeeded and whether the Goa Fire Services, Goa Police and Collector were informed. Except to the date the fire took place, all other queries at Sr. No. 11 to 15 and 18 to 20, the Respondent No. 1 is required to provide in case there are records to that effect. The Public Information Officer is not required to create the information but to provide whatever is available from the records.

5. The information sought at Sr. No. 18 to 20 pertains to insurance claim of the Zuari and the Appellant is entitled to know the name of the insurance company in case the insurance claim has been filed. The Respondent No. 1 need not answer the query at Sr. No. 19 whether the Inspector scrutinized the insurance claim as it is an opinion of the Public Information Officer and such opinion is not information within the meaning of RTI Act. The information sought at Sr. No. 20 which is in respect of nature and cause of the accident as provided to the insurance company can be answered only in case the query at Sr. No. 18 is answered in affirmative and the Respondent No. 1 provides the name of the insurance company. There is no question of resorting to section 11 of the RTI Act to obtain this information as Zuari has filled up the form for the claim of the insurance wherein there will be a column in respect of nature and cause of the accident.

6. With the above observations the following order:

**ORDER**

The appeal is partly allowed. The Respondent No. 1 to provide the information at Sr. No. 18 and 20 within a period of thirty days from the receipt of this order.

Pronounced on this 23<sup>rd</sup> day of December 2009.

Sd/-  
**(Afonso Araujo)**  
**State Information Commissioner**

