

North Block, New Delhi  
Dated: the 1<sup>st</sup> June, 2009

**OFFICE MEMORANDUM**

**Subject:** Decision dated 3.4.2008 of the High Court of Bombay at Goa in Writ Petition No.419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission regarding information under the Right to Information Act, 2005.

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The undersigned is directed to say that the High Court of Bombay at Goa in the above referred case has held on 3.4.2008 that the term 'information' as defined in the Right to Information Act does not include answers to the questions like 'why'. The relevant part of the judgement is reproduced below:

"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

2. This may be brought to the notice of all concerned.



(K.G. Verma)  
Director  
Tel: 23092158

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs.

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No. 1/4/2008-IR  
Government of India  
Ministry of Personnel, P.G. and Pensions  
Department of Personnel & Training  
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New Delhi, Dated: the 25<sup>th</sup> April , 2008

**OFFICE MEMORANDUM**

**Subject:** Guidelines for the public authorities under the Right to Information Act, 2005.

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The undersigned is directed to say that the public authorities are the repository of information which the citizens have a right to have under the Right to Information Act, 2005. The Act casts important obligations on them so as to facilitate the reach of people to information held by them. This Department has prepared a 'Guide' for the public authorities which would help them in discharge of their functions under the Act effectively. A copy of the Guide so prepared is enclosed as Annexure.

2. All the Ministries / Departments etc. are requested to bring the contents of the Guide to the notice of all public authorities under them and to ensure that they comply with the requirements of the Act.



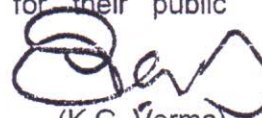
(K.G. Verma)  
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To

1. All Ministries / Departments of Govt. of India
2. Union Public Service Commission / Lok Sabha Secretariat / Rajya Sabha Secretariat / Cabinet Secretariat / Central Vigilance Commission / President's Secretariat / Vice-President's Secretariat / Prime Minister's Office / Planning Commission
3. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
4. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
5. Central Information Commission/State Information Commissions.

**Copy to : Chief Secretaries of all the States/UTs.**

The guidelines contained in the Annexure apply mutatis mutandis to the public authorities under the State Governments. The State Governments may like to issue similar guidelines for their public authorities.



(K.G. Verma)  
Director



## Guide for the Public Authorities

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Public authorities are the repository of information which the citizens have a right to have under the Right to Information Act, 2005. As defined in the Act, a "public authority" is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. Bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The financing of the body or the NGO by the Government may be direct or indirect.

2. The Act casts important obligations on public authorities so as to facilitate the citizens of the country to access the information held under their control. The obligations of a public authority are basically the obligations of the head of the authority, who should ensure that these are met in right earnest. Reference made to public authority in this document is, in fact, a reference to the head of the public authority.

### What is Information

3. Information is not an abstract concept under the RTI Act. It is conceived as being contained in any material including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to

