

विषय : Providing information in respect of RTI application under RTI Act, 2005-reg

Please refer to your RTI application Reg No. DGVND/R/T/25/00024 dated 12.03.2025.

Reply to Point No. I to IV :

The information sought in the form of question and sought opinion of the public servant on a legal point, which does not fall in the definition of information as defined under Section 2(f) of the RTI Act, 2005 in view of the 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 dated 01.06.2009.

In this regard, it is to inform you that the definition of information, as provided under Section 2(f) of the RTI Act, 2005, read as under :

information means any material in any form, including records, documents, memos, e-mails, opinions, advises, press releases, circulars, orders, logbooks, contracts, report, 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.

Whereas, the information sought vide your RTI Application 12.03.2025 is not related to seeking any record, document, memos, e-mails, opinions, advises, press releases, circulars, orders, logbooks, contracts report, papers, samples, models, data material held in any electronic form.

Further, the Honorable Supreme Court of India in Khanapuram Gandaiah Vs. Administrative Officer and Ors. Special Leave Petition (Civil) No. 34868 OF 2009 (Decided on January 4, 2010) had held that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law.

The Hon'ble Supreme Court of India in the above case further held that the Public Information Officer is not supposed to have any material which is not before him, or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the public authority under any other law for the time being in force.

In view of the above, information sought vide point number I to IV of your RTI Application dated 12.03.2025 is not covered under the definition of Information in terms of provisions contained under Section 2(f) of the RTI Act, 2005. Thus, not required to be answered in terms of provisions of the Right to Information Act, 2005.

The information in respect of Point No. I to IV of your RTI Application dated 12.03.2025 may please be treated as Nil.