



GAD/O&M/F.No.887

Maharashtra State Electricity Distribution Co.Ltd.
Estrella Batteries Expansion Building,
Ground Floor, Plot No. 1, Dharavi Road
Matunga, Mumbai – 400 019.

ADMINISTRATIVE CIRCULAR NO. 253 DATE 05/10/2009

Sub : Clarification regarding format in which the 'information' should be supplied under the RTI Act, 2005.

The instructions to follow the provisions under Right of Information Act 2005 have been issued from time to time in the past. Accordingly it is mandatory to provide information within a prescribed time limit.

2. Now, the Ministry of Personnel, Public Grievances & Pension, Govt. of India, Department of Personnel & Training vide Office Memorandum dated 10/07/2008 have issued clarification regarding format in which the 'information' should be supplied under the RTI Act 2005. The copy of the same is enclosed.

3. Also the Bombay High Court at GOA in WP No. 419 of 2007 in the case of Dr. Celsa Pinto Vs Goa State information commission has given a decision regarding 'information' under the RTI Act 2005. The Office Memorandum dt. 01/06/2009 containing the portion of the judgment is enclosed.

4. All concerned PIO's are requested to go through the contents of Office Memorandum dt.10/07/2008 and dt. 01/06/2009 and take note of the same while providing the information under the Right to Information Act, 2005.

5. This Administrative Circular is also available on Company's website i.e www.mahadiscom.in.

Encl : As above

(S.V. Patil)

Chief General Manager (P)

To,

All as per mailing list of MSEDCL

No.1/7/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: the 1st 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.

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.

No.11/2/2008-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

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North Block, New Delhi
Dated: the 10th July, 2008

OFFICE MEMORANDUM

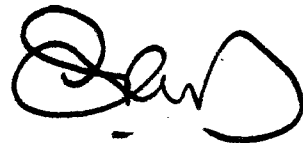
Subject: Clarification regarding format in which the 'information' should be supplied under the RTI Act, 2005.

It has been observed that some people under the Right to Information Act, 2005 request the Public Information Officers (PIO) to cull out information from some document(s) and give such extracted information to them. In some cases, the applicants expect the PIO to give information in some particular proforma devised by them on the plea that sub-section (9) of Section 7 provides that an information shall ordinarily be provided in the form in which it is sought. It need be noted that the sub-section simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy and if it is sought in the form of a floppy, it shall be provided in that form subject to the conditions given in the Act etc. It does not mean that the PIO shall re-shape the information.

2. According to section 2(f) of the Act 'information' means 'any material in any form'. A citizen, under the Act, has a right to get 'material' from a public authority which is held by or under the control of that public authority. The right includes inspection of work, documents, records; taking notes, extracts or certified copies of documents or records; taking certified samples of material; taking information in the form of diskettes, floppies, tapes video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device. Careful reading of the definition of 'information' and 'right to information' makes it clear that a citizen has a right to get the material, inspect the material, take notes from the material, take extracts or certified copies of the material, take samples of the material, take the material in the form of diskettes etc. The PIO is required to supply such material to the citizen who seeks it. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to

supply the 'material' in the form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)
Director

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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.
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