CENTRAL INFORMATION COMMISSION
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Decision No. CIC /SG/A/2008/00347+00277/1554
Appeal No. CIC/SG/A/2008/00347+00277

Relevant Facts emerging from the Appeal

Appellant	:	Mr. T.B.Dhorajiwala, 232, Maulana Azad Road, 2nd Floor, Room No. 26, Mumbai - 400008.
Respondent 1	:	Dr. Indu Saxena, Deputy Registrar(Admn) & P.I.O, **Indian Institute of Technology Bombay,** Powai, Mumbai - 400076.
RTI application filed on	:	25/08/2008
PIO replied	:	24/09/2008
First appeal filed on	:	06/10/2008
First Appellate Authority order	:	03/11/2008
Second Appeal filed on	:	01/12/2008

The appellant had asked in RTI Application regarding Tender for disposal of Unserviceable equipments of Chemical Engineering Department, IIT Powai. Tender No. MD/CD/DISP/001/07/REG/L/ due was on 24/08/2007.
Detail of required information:-

1. What happened of Tender No. MD/CD/DISP/001/07/REG/L/ which was due on 24/08/2007. for disposal of Unserviceable equipments.
2. Let me know why you had not Re-Invite of above tender.
3. Let me know what stage the matter is at present.
4. Let me know what action you had taken against offender.
5. Let me know person name who had involved in this matter.

The PIO replied.

"The RTI Act does not cast on the Public Authority any obligation to answer queries, in which a petitioner attempts to elicit answer to the questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in section 2(f) either by pinpointing the file, document, paper or records, etc, or by mentioning the type of information as may be available with the specified public authority.

You may only ask for specific information under RTI Act, 2005 rather than questioning the action of public authority.

Please note that the appellate authority for IIT Bombay, under the Right to Information Act, is Shri B.S. Punalkar, offg. Registrar, IIT Bombay and your appeal, if any, should reach with in 30 days from the receipt of this letter.

The First Appellate Authority ordered:-

"With reference to your appeal as mentioned above, it is stated that the CPIO has taken right stand in dealing with your application dt. 25/08/2008.

However, you may mention what exact information as defined under Section 2(f) read with section 2(i) & 2(j) of the RTI Act, which will be provided.

The IPO's No. 68 E 009314 & 68 E 009315 dt. 05/09/2008 submitted with the appeal is being return.."

Relevant Facts emerging during Hearing:

The following were present

Appellant: Absent

Respondent: Absent

The respondent has sent a written submission in which he repeats the grounds for denying the information by the PIO and also adds that the appellant had stated in his appeal that he was seeking 'clarification of his queries'.

The PIO and the first appellate authority have erred in their interpretation of what constitutes 'information' as defined under the RTI act. Section 2 (f) of the act states,

"information" means any material in any form, 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 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;'.

The PIO has states, 'The RTI Act does not cast on the Public Authority any obligation to answer queries, in which a petitioner attempts to elicit answer to the questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in section 2(f) either by pinpointing the file, document, paper or records, etc, or by mentioning the type of information as may be available with the specified public authority.

You may only ask for specific information under RTI Act, 2005 rather than questioning the action of public authority.'

The RTI act does not state that queries must not be answered, nor does it stipulate that prefixes such as 'why, what, when and whether' cannot be used. The PIO is right in accepting that what is asked must be a matter of record, but errs in imposing a new set of non-existent exemptions.

The Commission now looks at the queries of the appellant:

1. What happened of Tender No. MD/CD/DISP/001/07/REG/L/ which was due on 24/08/2007. for disposal of Unserviceable equipments.

Commissions direction: If there was such a tender, it will be on records and the PIO must provide the information.

2. Let me know why you had not Re-Invite of above tender.

Commission's direction: If the tender was there and there are any reasons on record why it was not re-invited, the PIO must provide them.

3. Let me know what stage the matter is at present.

Commission's direction: If there is any record of this it must be given.

4. Let me know what action you had taken against offender.
5. Let me know person name who had involved in this matter.

Commission's direction: If there is any offender identified in the matter details of point 4 and 5 would have to given based on the records.

On the other hand if there are no records about any of the above points, the PIO must state this categorically.

Decision:
The Appeal is allowed.

The PIO will give the information as outlined above to the appellant before 25 February 2009.

This decision is announced in open chamber.
Notice of this decision be given free of cost to the parties.

Shailesh Gandhi
Information Commissioner
February 09, 2009.

(In any correspondence on this decision, mentioned the complete decision number.)