

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.654 of 2015**

Shri Rohidas A. Naik,
President of the Goa MRF
Employees' Union,
Regd No.248,
Saidham, Dhavalimol,
PO. Keulem,
Ponda-Goa 403 401. .. Petitioner

Versus

1. Central Information Commission,
Room No: 7, IInd Floor, B Wing,
August Kranti Bhavan,
Bhikaji Cama Place,
New Delhi - 110 066.
2. Senior Divisional Manager
Shri Suresh Chandra Acharya
Appellate Authority, LIC of India,
Goa Divisional Office
Jeevan Vishwas, Patto,
Panaji, Goa
3. Central Public Information Officer,
LIC of India, Goa Division
Jeevan Vishwas, EDC Complex,
Patto, Panaji, Goa-403 001. .. Respondents

Mr. V. Menezes, Advocate for the petitioner.

Mr. J. Supekar, Advocate for the respondent no.2.

CORAM :- S. B. SHUKRE, J.

Date : 13th January, 2016.

ORAL JUDGMENT :

Heard.

2. Rule. Rule made returnable forthwith. Heard finally, by consent of the learned Counsel for the parties.

3. The grievance of the petitioner is that the application filed by the petitioner seeking certified copies of the Trust Deed dated 29/01/1993 has been wrongly and illegally rejected by the Public Information Officer i.e. the respondent no.3 and the order of the rejection has been upheld by the Appellate Authorities i.e. the respondent nos.1 and 2, without considering the settled principles of law.

4. It is seen from the first impugned order passed by the respondent no.3 (page 15 of the paper book) that the information has been rejected on the ground that the information is held by the LIC in a fiduciary capacity and also on the ground that the information relates to personal information, having no connection whatsoever with any public activity or interest.

5. The learned Counsel for the respondent no.2 submits that LIC indeed holds the information in a fiduciary relationship with the MRF Limited, which has entered into a Trust Deed

between the Company and some of its employees, who have been shown as Trustees and that on the date, on which the application under Right to Information was filed by the petitioner, as per the information received by the LIC from the said Company, the petitioner had ceased to be Trustee. On the basis of the Trust Deed, the LIC has only issued a Group Superannuation Policy for the benefit of the employees of the said Company and, therefore, LIC stands in a fiduciary relationship with MRF Limited.

6. The learned Counsel for the petitioner submits that the letter dated 18/10/2012 (page 56), issued by the Manager (CRM/CPIO of LIC) clearly shows that the petitioner, as per the records available with LIC in the year 2012, was one of the members of the Trust. He, therefore, submits that the petitioner, being one of the Trustees, could not have been deprived of the copy of the Trust Deed as the so called fiduciary relationship of LIC, at the most, would also extend to the petitioner.

7. The learned Counsel for the respondent no.2 states that the letter dated 18/10/2012 cannot be read as referring to records available in the year 2012. He submits that the sentence has to be read as a whole and by doing so, it can be seen that what has been mentioned therein, is the record of the year 1993.

8. A bare perusal of this letter at page no.56 shows that the contention of the learned Counsel for the respondent no.2 is absolutely off the mark. The relevant sentence is to be found somewhere in the middle of the letter and it reads as under :

“Reply- The names of the Trustees stated in the Trust Deed dated 29/01/1993, as per our available records is as under :-

- | | | |
|----|---------------------------------|------------------|
| 1. | <i>Shri George Ninan</i> | <i>Chairman</i> |
| 2. | <i>Shri A. R. Pai</i> | <i>Secretary</i> |
| 3. | <i>Shri Dulcidnio Fernandes</i> | <i>Member</i> |
| 4. | <i>Shri Altaf Khan</i> | <i>Member</i> |
| 5. | <i>Shri Abel Fernandes</i> | <i>Member</i> |
| 6. | <i>Shri Cruz Gracias</i> | <i>Member</i> |
| 7. | <i>Shri Rohidas H. Naik</i> | <i>Member”</i> |

9. It is clear from the above sentence that the date of 29/01/1993 has been mentioned to be the date of the Trust Deed and not the date of the available record. In fact, the words, “available records” have not been qualified by any year or particular date and, therefore, the words “available records” have to be construed by reference to the date of the letter at page 56. The date of the letter being 18/10/2012, it has to be said that the records, which were available in the year 2012, disclose the

information as given in this letter. In other words, in the year 2012, the petitioner, as per the own record of LIC, was member of the Trust.

10. If it is seen that as per the own information of LIC, the petitioner was a member of the Trust, as rightly submitted by the learned Counsel for the petitioner, the concept of a fiduciary relationship would also extend to the relation between the petitioner and LIC and this being so, the petitioner cannot be treated as third party, to whom the information sought for in the application, can be denied.

11. As regards the other reason for denying the information to the petitioner, I must say that the principle of public domain would have no application to the present case, rather the principle of personal information of a party would have application to the present case. The petitioner, being a party to the information and being not possessed with it and the respondent no.3 being in its possession, the petitioner would be entitled to receive the information sought for by him. Viewed in this way, I find that the impugned orders are illegal, arbitrary and deserves to be quashed and set aside.

12. In the circumstances, the Writ Petition is allowed. The impugned orders are quashed and set aside. It is directed that the information sought for by the petitioner in the application dated 01/12/2012 shall be furnished to him within a period of three weeks from the date of the order. In case, the original Trust Deed is not available with the respondent nos.2 and 3, these respondents shall furnish a copy of the document titled as Trust deed dated 29/01/1993 to the petitioner, with an endorsement that these respondents do not possess original Trust Deed.

13. Rule is made absolute in these terms.

S. B. SHUKRE, J.

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