

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.4956 of 2011**

Ku. Uma Yadav, D/o Shri Chandulal Yadav, aged about 26 years,
Resident of B.D. Mahant, New Chandaniya Para, Janjgir, District
Janjgir Champa (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Information,
D.K.S. Bhawan, Mantralay, Raipur (CG)
2. Chhattisgarh State Information Commissioner, Chhattisgarh,
Raipur (CG)
3. The Public Information Officer, Public Service Commission,
Pandari Raipur (CG)

---- Respondents

For Petitioner	:	Mr.Prakash Tiwari, Advocate
For Respondent No.1	:	Mr.Arvind Dubey, P.L.
For Respondent No.2	:	Mr.Shyam Tekchandani, Advocate
For Respondent No.3	:	Ms H. Harshita, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/12/2017

1. The present writ petition is directed against the order dated 26.6.2011 (Annexure P/1) passed by respondent No.2/Chhattisgarh State Information Commission by which the petitioner's second appeal has been dismissed on the ground that the petitioner has sought answers to the questions by way of information, which is not covered by definition contained in Section 2 (i) and (j) of the Right to Information Act, 2005 (hereinafter called as 'the RTI Act').
2. Mr.Prakash Tiwari, learned counsel appearing for the petitioner, would submit that such an information is covered by definition contained in Section 2(i) and (j) of the RTI Act

and therefore, respondent No.2 has erred in not supplying information and dismissing appeal. He would further submit that there is no bar for supplying such information.

3. On the other hand, learned counsel appearing for the respondents, would support the impugned order.

4. I have heard learned counsel appearing for the parties, considered their rival submissions made herein-above and also gone through the records with utmost circumspection.

5. In order to answer the question raised at the Bar, it would be appropriate to notice Section 2 (i) and (j) of the RTI Act which provides as under:-

“(i) “record” includes-

- (a) any document, manuscript and file;
- (b) any microfilm, microfiche and facsimile copy of a document ;
- (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- (d) any other material produced by a computer or any other device;

(j) “right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents on records;
- (iii) taking certified samples of material;
- (iv) obtaining 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;”

6. A bare perusal of the aforesaid definition would show that the

aforesaid clauses do not include within its fold answers to the question “why”, which would be the same thing as asking the reason for a justification for a particular thing and there is no provision to disclose the information sought for, which is in the form of questionnaire “why”. The information sought is not in the form of documents as contained and defined in Section 2(i) and (j) of the RTI Act, therefore, the appeal has rightly been dismissed by respondent No.2/Chhattisgarh State Information Commission. I do not find any merit in this writ petition.

- 7.** Accordingly, the writ petition deserves to be and is hereby dismissed. However, the petitioner is at liberty to file afresh application seeking information in accordance with law. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-