

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Appeal No. 53/2025/SCIC

Brian Fernandes,
H.No 5/F-5,
Olvaddo, Carmona,
Salcete-Goa 403717.

----Appellant

V/s

1. Maria Amita Gracias,
The Headmistress & Public Information Officer,
Sacred Heart of Jesus High School,
Carmona, Salcete-Goa.

2. The Dy. Director of Education
& First Appellate Authority,
South Education Zone,
Margao, Salcete-Goa.

-----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

Second appeal received on	- 27/01/2025
First hearing held on	- 18/06/2025
Decision of the Second Appeal on	- 05/08/2025

Information sought and background of the Appeal

1. Shri. Brian Fernandes filed an application dated 27/01/2025 under RTI Act, 2005 before the Commission after his earlier Appeal No.141/2024/SCIC dated 09/07/2024 was remanded back by the Commission to the First Appellate Authority to decide in the first appeal dated 17/04/2024 filed by the Appellant.
2. After the Commission remanding back the Appellant's appeal to the First Appellate Authority, the first appeal of the Appellant was heard by the FAA (Dy. Director of Education, South Educational Zone, Margao) on 06/01/2025 and disposed the matter vide order dated 08/01/2025 which read as under –

"I have carefully examined the material placed along with the first appeal and the oral arguments of the Appellant and Respondent and the FAA hereby satisfied with the reply given by the Respondent SPIO/Headmistress, Sacred Heart Jesus High School, Carmona, Salcete, Goa as the information sought is personal in nature and the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of privacy of individual and the Appellant failed to prove larger public interest involved in justification the disclosure of such information."

Facts Emerging in Course of Hearing

3. Pursuant to the present Appeal No.53/2025 filed by the Appellant, parties were notified fixing the matter for hearing on 18/06/2025 for which Appellant appeared in person but Respondents absent. Later, Adv. Onkar Asolkar appeared for Respondent PIO. Matter adjourned to 10/07/2025.
4. During the hearing on 10/07/2025, Adv. Vinod Korgaonkar, who appeared on behalf of the Respondent PIO, objected to the filing of the present second appeal as it was remanded back to the First Appellate Authority by the Commission.
5. During the course of hearing on 10/07/2025, it was found that the Appellant vide RTI application dated 23/02/2024 had sought following information from the PIO, Sacred Heart of Jesus High School, Carmona, Salcete, South Goa :
 - i. "Whether the fees for Advocates in the RTI appeals were paid or will be paid from a public fund.*
 - ii. If answer to Point No.1 is yes, then kindly provide.*
 - a) The amount of fees paid/payable to Advocate.*
 - b) The name of the public fund that has paid/will pay the Advocate fees.*
 - c) The Designation and address of the officer in charge of the public fund."*

6. Objecting the information sought by the Appellant, Advocate for the Respondent PIO submitted that he will produce citations in support of the objection in seeking the above said information by the Appellant. Matter fixed for further hearing on 05/08/2025.
7. Matter took up for final hearing on 05/08/2025 for which Appellant appeared in person and Respondent PIO appeared along with Adv. Vinod Korgaonkar who has filed few citations in support of the denial of information to the Appellant by the Respondent PIO. Adv. Vinod Korgaonkar submitted that the information sought by the Appellant falls under the clause concerning '*fiduciary relationship*' and hence information with regard to the fees paid by the Respondent to the Advocate for the legal service extended by the Advocate to the Respondent PIO cannot be disclosed.
8. Appellant submitted that if the fee to the Advocate is paid by the Respondent PIO from her own pocket, he is not all interested to seek information. On the contrary if the Advocate fee is paid from the public fund/school fund, as a citizen, he is entitled to get the information.
9. Intervening the arguments placed by the Appellant and Advocate for Respondent PIO, Presiding Commissioner clarified that the RTI Act, 2005 has a clause concerning '*fiduciary relationships*' within Section 8(1) (e) which exempts information held in a fiduciary capacity from disclosure unless the public interest in disclosure outweighs the harm to the protected interest.
10. The Presiding Commissioner has come to the conclusion that in the present appeal, Appellant could not establish larger public interest in seeking the fee paid by the Respondent PIO/Headmistress, Sacred Heart of Jesus High School, Carmona, Salcete, Goa to the Advocate in return to the legal service extended by him for the Respondent PIO.

Commission's Observation

- i. Information sought by the Appellant falls under the category of 'Fiduciary Relationship', which refers to a situation where one party places trust and confidence in another to act in their best interest.
- ii. Information shared within 'Fiduciary Relationship' is exempted from disclosure under Section 8 (1) (e) of the RTI Act, 2005 unless the public interest outweighs the need for confidentiality.
- iii. Lawyer and client is one of the examples of '*Fiduciary Relationship*'.
- iv. In the present matter, Respondent PIO has rightly denied the information by invoking Section 8(1) (e) of the RTI Act, 2005.
- v. Appellant failed to establish larger public interest in the disclosure of the sought information, which falls in the category of '*Fiduciary Relationship*'.

DECISION

Since the information sought by the Appellant falls under Section 8(1) (e) of the RTI Act, 2005 which exempts information held in a '*fiduciary capacity*', unless disclosure is deemed to be in the larger public interest and Appellant failed to establish the larger public interest in the sought information of '*Fiduciary Relationship*', Commission decided to dismiss the present Appeal No. 53/2025/SCIC on the ground that the Respondent PIO has rightly denied the information to the Appellant u/s. 8(1) (e) of the RTI Act, 2005.

Aggrieved party if any, may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act, 2005.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC

