GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza, State Information Commissioner.

Appeal No. 286/SIC/2011 1089

Communidade of Loutolim,
Loutolim, Goa. ..... Appellant

V/s

The Public Information Officer,
O/o The Chief Electrical Engineer,
Panaji-Goa ..... Respondent

Relevant emerging dates:

Date of Hearing : 02-03-2016

Date of Decision : 02-03-2016

O R D E R

1. The Appellant Franky Monteiro is absent despite notice which was sent by Registered Post without intimation to this commission. Appellant when contacted telephonically informed that he need not be present and that the Commission may dispose of the matter in his absence. The Respondent PIO Mr. J. S. Hiremath is present alongwith his officers Mr. Damodar R. Naik Asst. Engineer and Mr. Yogesh T. Naik, LDC.

2. During the hearing the Respondent PIO submits that the Appellant had sought the information in the name of Communidade of Loutolim using the letterhead wherein he had signed as President of the said Communidade. The Respondent further argued that as per RTI Act it is mandatory for the information seeker to apply in his own name and that he must be a Citizen of India and as such the Appeal is not maintainable and liable to be dismissed. The Respondent further submitted that the Appellant had moved the FAA who by an Order dated 9/12/2011 had dismissed the said Appeal for the same reason.

3. The Commission concurs with the view of the PIO. After 6 years of enactment of RTI Act, citizens who use RTI cannot claim ignorance of law. An incorrectly filed application is void -abinitio and has to be treated as 'non-est'. The law is very clear on this issue. The Act gives the Right to Information only to the Citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities, but not citizens. The Appellant should have submitted the application in his own name as a Citizen of India even though he was office-bearer of the Communidade and the information would have been supplied to him.

4. In view of the above, no interference is called for with the order passed by the First Appellate Authority (FAA). The Appeal is dismissed. Pronounced in open court during the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner

Under Secretary
Goa State Information Commission