

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

Complain No. 17/ SCIC/2015

Mrs. Blanche Carneiro,

C/o. The Journalist Colony Resident Welfare Association,

Plot 51, Journalist Colony, Alto Betim, Porvorim,

Bardez-Goa 403521

.....Complainant

V/s.

1. Shri Deepak P. Vaigankar,
FAA, BBO-I & II, Bardez,
Mamlatdar Building, 2nd floor,
Mapusa, Bardez, Goa
2. Shri Subodh Prabu,
Public Information Officer,
V. P. of Penha de Franca,
Britona, Bardez-Goa Opponents

Complain filed on: 18/05/2015

Decided on: 06/05/2016

ORDER

1. Brief facts of the case are that the Complainant, Mrs. Blanche Carneiro vide her application dated 27/01/2015 sought certain information from the Respondent PIO using the letter head of Journalist Colony and signing the same as President of the said Association.

The information is with regards to:

- i. Copy of the letter from Mr. Sheikh Azis, R/o. H.No. 1760, Journalist Colony.
 - ii. Copy of the list of members enclosed along with the said letter.
2. Since the PIO failed to furnish the requested information within 30 days to her, the Appellant as the President of a Association preferred First Appeal before Block Development Officer, Bardez –Goa on 27/02/2015 being first Appellate Authority.

3. The FAA, by an Order dated 10th April 2014 dismissed the first Appeal on the ground that information u/s 6 is intended to confer right to information solely on citizens and the Complainant being not the natural citizen is not entitled to the information under the RTI Act.
4. Being aggrieved by the Order of FAA the Complaint came to be filed before this Commission on 18/05/2015.
5. During the hearing the Complainant was represented by Shri Joseph Carneiro vide letter of authority dated 29/02/2016. Opponent No. 1/PIO was represented by Deepak Vaigankar, and Opponent No. 2/ FAA was represented by Subhodh Prabhu.
6. The Opponent No. 1 have filed his says on 6/04/2016 and whereas Opponent No. 2 filed his say on 6/05/2016. Both have strongly contested the present Complaint on the ground that:
 - a) As per provisions of RTI Act, Complaint filed by legal entity cannot be entertained and that present complaint from the cause title appears to be filed by the Complainant in the personal capacity and not as President of Association and as such has challenged the locus standie of the Complainant for filing the present Complaint.
7. During the hearings the authorize representative of the Complainant submitted that he is still interested in seeking the information. However it was brought to his notice by this Commission that as per the decision of Supreme Court given in Civil Appeal No. 10787-10788 of 2011, Chief Information Commissioner v/s State of Manipur it was held by the Hon'ble apex court "***that while entertaining the Complain u/s 18 has no jurisdiction to pass an Order providing for access to information. And remedy for such person who has been refuse information is provided u/s19 by filing an Appeal for obtaining requisite information***". A Copy of the said citation was furnished to Representative of the Complainant.
8. The authorize representative of the Complainant then during the hearing on 06/05/2016 after going through the say of Opponents and the copy of the citation furnish to him by this Commission submitted

that he desired to withdraw the Complaint on behalf of Blanch Carneiro and accordingly he made an endorsement on the said Complaint Memo.

9. In view of the endorsement made by him without going into the merits and finer aspects of the present Complaint, I hereby pass the following order.

Complaint is dismissed as withdrawn.

Proceedings closed.

Copy of the Order may be given free of cost to all the parties.

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

Sd/-

(Pratima K. Vernekar)

State Information Commissioner

Goa State Information Commission, Panaji-Goa