

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No.11/SIC/2010

Mr. Francisco D'Sa,
H. No. 116, Pirazona,
Moirá, Bardez,
Goa – 403 514

...Complainant.

v/s.

Shri A. S. Deshpande,
State Public Information Officer,
Executive Engineer (Planning),
Office of the Chief Electrical Engineer.
Government of Goa,
Electricity Department, 3rd Floor,
Vidyut Bhavan
Panaji

... Opponent.

Complainant alongwith his authorized representative, Adv. Mishel D'sa.

Opponent in person.

Dated: 28.05.2010

ORDER

The information sought by the Complainant on 09.12.2009 from the Public Information Officer, Electricity Department, (EE Planning) is as follows:

I. When the neutral wire of the transmissions and distribution system of electrical power supply for domestic usage, supplied by the Electricity Dept. through its low tension transformer centre A/C 3 phase 4 wire system, is broken/open/high resistance before consumer point, then:

(a) What are the effects of voltage on domestic consumer installation?

(b) What are the effects on electrical/electronic appliances at the consumer end, when they are on/in use?

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(c) Is it safe for humans who are operating/using electrical /electronic appliances?

(d) What safety precaution/measures are taken by the Electricity Department for the safety of human life and equipment at the consumer installation?

II. When the Main Meter Box MCB and Main TP Switch is switched off/on at the consumer point in a domestic installation and yet the voltage between neutral and earthing point is 100 volts and the line tester put in neutral point is glowing, then:

(a) What are effects on consumer electrical/electronic appliances when they are on/in use?

(b) Is it safe for the humans to work on such consumer installation?

(c) What safety precautions/measures are taken by the Electricity Dept. for the safety of human life and equipment at the consumer installation?

(d) Does the consumer earthing system have any role to play in causing voltage of 100 volts to be there at the neutral point, specifically when the Main power supplied by the Electricity Dept. for domestic usage is turned off at the consumer installation?

2. The Opponent on 09.12.2009 transferred this information sought to the Public Information Officer, Executive Engineer, Division IV, Electricity Department, Mapusa, who in turn on 14.12.2009 transferred back to the Opponent. By communication dated 08.01.2010 the Opponent dismissed the application of the Complainant stating that what the Complainant sought is not information within the meaning of information under the RTI Act.

Aggrieved by this denial of information by the Opponent, the Complainant preferred this Complaint.

3. On perusing the information required by the Complainant under the RTI Act in the request dated 09.12.2009, the manner and the form by which the information was sought by the Complainant indicates that they are queries concerning the technical aspects of the usage of the electricity and its effects on account of faults. The Public Information Officer in the communication dated 08.01.2010 denied the information sought on the reasoning that it is not information within the meaning of "information" under the RTI Act. The Opponent with reasoning has discussed that the information sought does not come within the purview of the definition of information in section 2(f) of the RTI Act. Once the Opponent discussed the issue on the question that the information sought is not information within the meaning of section 2(f) of the RTI Act, it was incumbent on the part of the Complainant to ascertain the correctness of such reasoning by approaching the doors of the First Appellate Authority rather than directly prefer a Complaint before the Commission.

4. Under the provisions of section 18 of the RTI Act a Complaint is stipulated in cases where the information seeker is unable to submit his request for information due to the reasons that Public Information Officer has not been appointed; the Assistant Public Information Officer has refused to accept the application for information or appeal for forwarding to the Public Information Officer or First Appellate Authority; the information seeker has been refused access to any information; information seeker has not been given response to request for information or access to information within the time limit; the information seeker has been required to

pay an amount of fees which he considers unreasonable; information seeker believes that he has been given incomplete, misleading or false information and in respect to any matter relating to requesting or obtaining access to records under the Act. The denial of information by the Opponent is not in any of the contingencies mentioned in section 18 of the RTI Act. The information was denied on the grounds that it does not fall within the definition of information under the RTI Act. When the Public Information Officer justifies the grounds for denial of the information, like, the information not falling within the ambit of section 2(f) or not within the meaning of right of information under section 2(j) of the RTI Act or exempted by any of the clauses of section 8(1) of the RTI Act, it is proper that the aggrieved information seeker challenge such reasoning by preferring First Appeal. In such circumstances the proper course for the Complainant is to approach the First Appellate Authority and question the findings of the Public Information Officer about the reasoning that information sought is not information within the RTI Act. The finding on this aspect by the First Appellate Authority is required and on the outcome of the First Appeal the Complainant to approach the Commission. Hence, the following directions:

- 1) The Complainant to file the First Appeal before the First Appellate Authority within the period of five days from the date of this Order.
- 2) The First Appellate Authority to issue notices of the hearing of the First Appeal to the Appellant and the Respondent and decide the First Appeal by 25th June, 2010.

A copy of the Order to be sent to the First Appellate Authority, Chief Electrical Engineer, Electricity Department, Panaji.

Sd/-
(Afonso Araujo)
State Information Commissioner

