

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 37/SIC/2010

Shri Franky Monteiro,
H. No. 501, Devote,
Loutolim,
Salcete – Goa

... Appellant.

V/s.

The Public Information Officer
Secretary,
V. P. Loutolim,
Loutolim,
Salcete – Goa

... Respondent.

Appellant in person.
Adv. Shri Palkar for Respondent.

J U D G M E N T

(Per Afonso Araujo)

The Appellant by request dated 23.11.2009 sought information under RTI Act from the Respondent and enumerated at Sr. no. 1 to 9. By communication dated 16.12.2009 the Respondent informed the Appellant that information under Goa Right to Information Act, 2005 cannot be furnished because Goa Right to Information, 2005 is not in force in the State of Goa and requested the Appellant to make appropriate application under the present law in force in the State of Goa. Aggrieved by this decision the Appellant preferred the First Appeal and the First Appellate Authority by Order dated 25.01.2009 directed the Respondent to furnish the information within seven days. As the Respondent did not comply with the Order of the First Appellate Authority, the Appellant preferred this Second Appeal.

2. It was not proper on the part of the Respondent to deny the request of the Appellant for information under RTI Act on the reasoning that Goa Right to Information Act is not in force in the State of Goa. The Appellant by oversight has added the word 'Goa'

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to the Right to Information Act, 2005 when in fact the legislation is called 'The Right to Information Act, 2005' which is in force in the entire territory of India. Since there cannot be a Goa Right to Information Act, 2005 the rejection of the application of the Appellant on the ground that the Goa Right to Information Act, 2005 is not in force in the State of Goa, was on a flimsy ground and rightly the First Appellate Authority did not agree with the reasoning of the Respondent. Hence, the following Order:

ORDER

The Respondent is directed to provide the information sought in the request dated 23.11.2009 at Sr. No. 1 to 9 to the Appellant within the period of ten days from the date of receipt of the Order.

Pronounced on this 15th day of July, 2010.

**Sd/-
(Afonso Araujo)
State Information Commissioner**