

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Complaint No. 432/SCIC/2010

Dr. Ketan S. Govekar,
R/o Wadji Building,
St. Inez, Panaji –Goa.

..... Complainant.

V/s.

1. Public Information Officer,
Goa University,
Taleigao Plateau.

..... Opponent N.1.

2. The Public Information Officer ,
Dhempe College of Arts & Science,
Miramar, Panaji –Goa.

..... Opponent N.2.

Complainant in person.

Adv. A. Agni alongwith Mrs. Daniel, representative of the Opponent No. 1 in person.

Opponent No. 2 present.

ORDER **(21-09-2010)**

1. The Complainant, Dr. Ketan S. Govekar, has filed the present Complaint praying that the information as requested by the Complainant be furnished to him correctly free of cost as per section 7 (6), that penalty be imposed on Public Information Officers as per law and that compensation may be granted as for the detriment faced by the Complainant.

2. The brief facts leading to the present Complaint are as under:-

That the Complainant had filed an application on 19/03/2010 under Right to Information Act ('RTI' Act of short) requesting the Public Information Officer ('PIO' for short to issue information specified therein. That the Public Information Officer, thereafter by letter No. 1/23/10-Acad-I/5721/5746 dated 23/03/2010 informed the Complainant by way of marking a copy that the application of the Complainant has been transferred to the Public Information officer of Dhempe College of Arts and Science Miramar under section 6(3) of the Right to Information Act. That the Public

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Information Officer Dhempe College of Arts & Science Miramar failed to provide the information asked for by the application for information transferred by the Public Information Officer of Goa University. Being aggrieved the complainant has preferred the present complaint on the grounds as mentioned in the Complaint.

3. The Opponents resist the Complaint and their say is on record. It is the case of the Opponent No. 1 that the Complaint is not maintainable. That no first Appeal is filed. That the scope of section 18 of the Right to Information Act is totally different and when the Complainant has already approached the Public Information Officer for information it is not possible to bypass the machinery available under the Right to Information Act, 2005 in the form of an appeal and approach this Commission under section 18 of the Right to Information Act. That the application was wrongly addressed to the PIO Goa University and in fact the information could be supplied only by the Public Information Officer of Dhempe College and therefore the application was transferred to the Public Information Officer of Dhempe College under section 6 of the Right to Information Act and that the Complainant was accordingly informed. That no information was declined and hence the Complaint under section 18 of Right to Information Act is not maintainable. It is the case of the opponent No. 1 that the provisions of section 18 are not at all attracted in this case. That at the most the Complainant could proceed against the college. In short it is the case of the Opponent No. 1 that no information is denied to the Complainant as the application is transferred to the Dhempe College. That the grounds urged are not available to the Complainant.

It is the case of the Opponent No. 2 that some information was not received by the Public Information Officer and as such the same could not be furnished. However on receipt of the said information the same has been furnished to the Complainant.

4. Heard the arguments. The Complainant argued in person. Adv. Ms. A. Agni argued on behalf of Opponent No. 1 and Opponent No. 2 argued in person.

The Complainant submitted that he has received the full information and that he is satisfied and that he has no grievance of whatsoever nature.

Adv. Ms. Agni submits that Complaint is not maintainable. That the same is premature and the grounds mentioned are not at all attracted. She advanced elaborate submissions.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties.

It is seen that the applicant/Complainant vide his application dated 23/03/2010 sought certain information from the Public Information Officer Goa University. The information consists of queries and certain documents pertaining to Dhempe College. By letter dated 23/03/2010 the Asst. Registrar –I/APIO transferred the same under section 6(3) (ii) of Right to Information Act to Public Information Officer Dhempe College of Arts and Science, Miramar, Panaji –Goa. It was also informed that the same be replied directly to the applicant under intimation to this office.

It appears that information is with Dhempe College but strangely the application is made to the Opponent No.1. Again it is not known why Goa University is joined as party.

6. Adv. for the Opponent No. 1 has advanced a number of submissions about filing the application with the Goa University. Secondly about the maintainability of the Complaint etc.

I do agree with the same. Normally under the Act a person who desires to obtain information shall make a request alongwith the prescribed fee to the Public Information Officer of the concerned public Authority specifying the particulars of the information. As per section 6(3) where a Public Authority to whom an application for information is made finds that information demanded is not with it but is held by some other Authority. It is duty bound to transfer the Application for information to the concerned Authority under intimation to the applicant/information seeker. In my view sub section 3 of section 6 cannot be read in isolation, sub-section (1) of section 6 being the main section. In short application is to be made to the Public Information Officer of concerned Department.

In any case I need not refer to maintainability of the complaint and other submissions raised in detail as the information is already furnished as submitted by the Complainant.

7. Since information is furnished and since the Complainant has no grievance, the intervention of this Commission is not required. Hence the order:-

ORDER

No intervention of this Commission is required. The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 21st day of September, 2010.

Sd/-
(M. S. Keny)
Chief Information Commissioner

