

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 109/SCIC/2010**

Mr. Sadanand D. Vaigankar,  
304, Madhalawada Harmal,  
Pernem,  
GOA – 403 524

..... Complainant.

V/s.

1) Public Information Officer,  
Principal,  
Harmal Panchakroshi Higher Secondary School,  
Harmal,  
Pernem – Goa

..... Opponent.

Opponent in person.  
Adv. S. Parab for the Opponent.

**ORDER**  
**(18-10-2010)**

1. The Complainant, Sadanand D. Vaigankar, has filed the present Complaint praying that Opponent be directed to accept the application for information and further to furnish the information; that Opponent be directed to pay fine and that Opponent be recommended for disciplinary action under Service Rules.

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

That the Complainant made an application dated 24.09.2009 seeking certain information from the Public Information Officer ('PIO' for short). That the Complainant received letter dated 03.10.2009 from the Opponent informing inability to furnish the information asked as the requested information does not fall under his jurisdiction and returned the original application for information. That on 06.10.2009 the Complainant resubmitted the original application for information to the Opponent in order to show the Opponent that he is the appropriate PIO for the

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matter. That the Opponent by letter dated 09.10.2009 once again returned the original application for information.

That the Opponent was not specific with the point that he is not the appropriate PIO in the matter. It is the case of the Complaint that original application for information is not accepted by the Opponent till date and hence the present Complaint.

3. The Opponent resists the Complaint and their say is on record. It is the case of the Opponent that present Complaint is not maintainable for non-joinder of necessary parties. That the information which is sought by the Applicant through his letter dated 24.09.2009 is beyond the jurisdiction of the Opponent and hence the Opponent has sent a letter dated 03.10.2009 expressing his inability to furnish the information sought by the Applicant/Complainant. That the Opponent also mentioned in the said letter to transfer the same to the appropriate PIO. It is further the case of the Opponent that the information sought by the Applicant is of the Harmal Panchakroshi Shikshan Mandal, Harmal, Pernem-Goa. The PIO of the Harmal Panchakroshi Higher Secondary School has no jurisdiction to the same. According to the Opponent the Complainant should move proper application to the appropriate PIO. According to the Opponent the Complaint is liable to be dismissed.

4. Heard the arguments. The Complainant argued in person and Adv. S. Parab argued on behalf of Opponent.

The Complainant has referred to the facts of the case in detail. According to him if the Headmaster has some access to some documents of Society, why he cannot have access to other documents. The Complainant also referred to the counter reply which is on record. According to him this counter reply has not been denied. According to the Complainant the reliefs ought to be granted.

Advocate for Opponent submitted that the information pertains to another body and the same is not with the Opponent and, therefore, Opponent cannot furnish the same. He also pointed that this fact has been informed to the Complainant.

I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not.

5. It is seen that the Complainant filed an application dated 24.09.2009 seeking certain information from the Opponent. The Opponent is incidentally the Principal of Harmal Panchakroshi Higher Secondary School. I have perused the application. The information consists of some queries. All these queries refer to Harmal Panchakroshi Shikshan Mandal which appears to be a Society. It is seen that by letter dated 03.10.2009 the Opponent informed the Complainant his inability to furnish the information since the requested information does not fall under the jurisdiction of this authority. He also informed though it is obligatory under section 6(3) (i) and (ii) of RTI Act to transfer the same to appropriate PIO in possession of the said information, he is unaware about the PIO of the relevant office. It appears from record that the Complainant has sent another letter and the Opponent replied in similar vein.

6. As observed above the information admittedly pertains to some other body and not to the Institution of the Opponent herein. It would not be out of place to reproduce section 6 herein. Section 6 reads as under:

“6..... Request for obtaining information.

1. Any person who desires to obtain any information under this Act shall make a request in writing or through electronic means in English

or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to --

(a) .....

(b) .....

Provided that where such request cannot be made in writing the Central Public Information Officer or State Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

2. ....

3. Where an application is made to a Public Authority requesting information .....

(i) which is held by another Public Authority; or

(ii) subject matter of which is more closely connected with the functions of another Public Authority.

The Public Authority, to which such application is made shall transfer the application or such part of it as may be prescribed to that other Public Authority and inform the Applicant immediately about such transfer;

Provided that the transfer of the application pursuant to this sub-section shall be made as soon as practicable but in no case later than 5 days from the date of receipt of application."

6. Sub-section (1) of section 6 expressly requires that a person who desires to obtain information under the Act shall make a request alongwith prescribed fee to the PIO of the concerned Public Authority specifying the particulars of the information. Sub-section (3) carves out an exception to the requirements of sub-section (1). As per the same where the 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. Intention of the legislature in enacting sub-section (3) is noble considering RTI Act is people-friendly Act. The objective behind this provision is perhaps to lessen the travails of an information seeker lest he is lost in the labyrinth of procedural technicalities.

From the above it is clear that an application is to be made to the PIO of the concerned Public Authority.

7. In the instant case Opponent is on record saying that he is not aware about PIO. In any case it is for the Complainant to file the application before concerned authority. During the course of his arguments the Complainant submitted that it is the Society which runs the School. However, to my mind the Complainant should address the application to the concerned authority. It is for the concerned authority to consider the same. In view of the specific case of the Opponent, I would not venture to direct Opponent to transfer the application under section 6(3). The Opponent might be having his own limitations. However, Complainant is free to file the application before the concerned authority.

8. In the factual backdrop of this case no intervention of this Commission at this stage is required. However, it is sufficient to direct the Complainant to file the application seeking information before the concerned authority, i.e. Harnal Panchakroshi Shikshan Mandal, Pernem-Goa and it is for them to consider the same.

In view of the above, I pass the following Order:

**ORDER**

No intervention of this Commission is required. The Complainant, if he so desires, to file the said application seeking information before the concerned authority, i.e. Harmal Panchakroshi Shikshan Mandal.

The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 18<sup>th</sup> day of October, 2010.

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



