

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal No. 132/SCIC/2010

Shri Ulhas P. Sinari,
Betwalwada Amona,
Bicholim - Goa

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Appellants

V/s

1. Public Information Officer,
Directorate of Animal Husbandry &
Veterinary Services,
Panaji - Goa.

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Respondent No.1.

2. First Appellate Authority,
Directorate of Animal Husbandry &
Veterinary Services,
Panaji - Goa.

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Respondent No.2.

Appellant in person.

Respondent No. 1 in person.

Respondent No. 2 absent.

J U D G M E N T
(16.12.2010)

1. The Appellant, Shri Ulhas Pandurang Sinari, has filed the present Appeal praying that Respondents be directed to furnish information as requested by the Appellant and that penalty be imposed on Respondent No. 1 for denying the information.

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

That the Appellant filed an application dated 16.12.2009 seeking information from the Public Information Officer/Respondent No. 1 under the Right to Information Act, 2005 ('R.T.I.' Act for short). That by reply dated 15.01.2010 the Respondent No. 1 partly furnished the information. Being not satisfied the Appellant preferred Appeal before the First Appellate Authority and by order dated 26.02.2010 the First Appellate Authority/Respondent No. 2 was pleased to dismiss the Appeal, inter alia,

holding that necessary information available with Respondent No. 1 was provided to the Appellant. Being aggrieved by the said order the Appellant has preferred the present Appeal on various grounds as set out in the memo of Appeal.

3. The Respondents resist the Appeal and the reply of Respondent No. 1 is on record. It is the case of Respondent No. 1 that whatever information available at his office has been furnished to the Appellant and that Appeal is liable to be dismissed.

4. Heard the arguments. The Appellant argued in person and Respondent No. 1 also argued in person. According to the Appellant information is partly furnished. Whereas according to the Respondent whatever information was available has been furnished.

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

It is seen that the Appellant vide his letter dated 16.12.2009 sought certain information from the Public Information Officer/Respondent No. 1. The information consists of 7 points, i.e. Sr. No. 1 to 7. It is seen that by letter dated 15.01.2010 the Public Information Officer furnished information in respect of point No. 1 to 4. Regarding point No. 5, 6 and 7 it was informed that same does not come under the purview of their office. Considering the application as well as the reply it appears that reply is in time. It is to be noted here from the record that the reply was given by hand delivery. It is the grievance of the Appellant that full information has not been furnished.

6. It is to be noted here that under section 2(f) “information” means any material in any form including records, documents, emails, opinions, advices, press releases, circulars, orders, log books, contracts reports, papers, samples, models, data, material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

It is pertinent to note that term ‘record’ for the purpose has been defined widely to include any document, manuscript, file, etc. Under clause 2(j) “Right to Information” means the right to information accessible under this Act which is held by or under control of any public authority and powers under the Act include the right to (a) inspect works, documents, records of any public authority; (b) take notes extracts or certified copies of documents or records (c) and (d)

7. From the above it transpires that Section 2(j) provides only information held by or under the control of any public authority. It, therefore, necessarily implies that the information to which an information seeker is entitled can only be that which is available in the records of the public authority concerned.

Now, coming to the point, point 5 refers as to whether any investigation has been done by the Department of the Respondent and if in the affirmative to provide the detail report of the said investigation. To my mind this point can very well be answered as it refers as to whether investigation has been done. Regarding question No. 6 and 7 part, they do not come within the purview of RTI Act.

8. Only in respect of question No. 5 the Public Information Officer/Respondent No. 1 can furnish the information whether investigation has been done or not and if in the affirmative other part of

the question would follow. Appellant submits that penalty may be imposed as there is delay. Considering the application and the reply furnished there is no delay as such. Of course no information was furnished in so far as three points are concerned. However, it cannot be considered as denial of information. In any case since there is no delay the question of penalty does not arise. In view of all the above the Appeal is to be partly allowed and hence I pass the following Order:

O R D E R

Appeal is partly allowed and Respondent No. 1 is hereby directed to furnish information to the Appellant in respect of point No. 5 of his application dated 16.12.2009 within twenty days from the date of receipt of this Order and report compliance.

Appeal is accordingly disposed off.

Pronounced in the Commission on this 16th day of December, 2010.

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