

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 232/SCIC/2010

Shri Anant B. Kubal,
H. No. 28, Kubalwada,
Ibrampur,
Pernem - Goa

.... Appellant

V/s.

1) Asst. Executive Engineer,
Public Information Officer,
Electricity Department,
S/D-I (U), Bicholim - Goa

... Respondent No. 1.

2) Superintending Engineer-II,
First Appellate Authority,
Electricity Department,
Vidyut Bhavan,
Panaji - Goa

... Respondent No. 2.

Appellant absent.

Respondent No. 1 in person.

Mr. K. Shetye, representative of Respondent No. 2.

J U D G M E N T **(02.05.2011)**

1. The Appellant, Anant B. Kubal, has filed the present appeal praying that the Appeal be allowed and the information sought by the Appellant be furnished to him.

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

That the Appellant filed an application dated 12.07.2010 under Right to Information Act, ('R.T.I. Act' for short) seeking certain information from the Public Information Officer (P.I.O.)/Respondent No. 1. That the Respondent No. 1 has failed and neglected to furnish the correct information and documents sought by him falsely claiming that "It is not mandatory to number the pole erected for providing electricity connection." That again the letter refusing information sought, the Appellant preferred an Appeal before the First Appellate Authority (F.A.A.) who dismissed the said Appeal by Order dated 15.09.2010. 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 Respondent resists the Appeal. It is the case of Respondent No. 1 that the correct information has been furnished to the queries raised by the Appellant that as on date no electric poles are numbered in Ibrampur village under the jurisdiction of their office from where the Applicant has sought information. That the Respondent No. 1 also refers to the Appeal before the First appellate Authority and states that the Order passed is correct. It is further the case of Respondent No. 1 that the information which has been asked does not come under the ambit of the information as per section 2(f) , (i) and (j) of the R.T.I. Act as it is questionnaire in nature. Respondent No. 1 also refers to the definition of the said sections.

It is the case of Respondent No. 2 that Appellant filed Appeal under section 19 of RTI Act.

That after due notices were served the parties were heard and that Orders were passed. That the Appeal is disposed within statutory period.

4. It is seen that the appellant remained absent. However, his advocate appeared. The matter was posted for arguments on 30.12.2010. However, on that day the Appellant and his advocate were absent. Later on Adv. Shri Saudagar appeared and that he was informed about the next date. On 24.01.2011, 16.02.2011, 08.03.2011, 05.04.2011, 15.04.2011 Appellant and his advocate remained absent. In view of this I am proceeding to decide the matter on the basis of the records of the case.

5. It is seen that the Appellant vide application dated 12.07.2010 sought certain information. The information consisted as under:-

“Kindly inform me as to whether:

(a) Is it mandatory that each of the poles erected by you to provide electricity connection to houses, required to be numbered? In the affirmative, the reason for not putting numbers on the poles in my ward in Ibrampur.

(b) who is responsible for putting such numbers and maintain the same.”

Respondent No. 1 furnished the reply stating that it is not mandatory to number the pole erected to provide electricity connection and regarding (b) it was replied as 'Not applicable'.

Considering the date of the application and the reply, the reply appears to be in time. Being aggrieved the Appellant preferred the Appeal before the First Appellate Authority. By Order dated 15.09.2010 the First Appellate Authority dismissed the Appeal.

The grievance of the Appellant is that no information has been furnished to him.

6. It is pertinent to note here about the definition of information. 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 assessed by a public authority under any other law for the time being in force.

Section 2(i) "record" includes -----

- (a) any document, manuscript and file;
- (b) any microfilms, microfiche and facsimile copy of document;
- (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not) and
- (d) any other material produced by a computer or any other device.

It is to be noted here that the 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) take certified samples of material and (d) obtain information of print outs, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print outs where such information is stored in a computer or in any other device.

7. Coming to the case at hand the information sought is in the nature of queries. However the queries are answered. Even otherwise I am unable to provide him any relief as the queries raised cannot elicit information as it is defined in section 2(f) of the Act. They are in the nature of demanding explanation and/or justification, which the RTI Act does not enjoin a public authority to supply. In any case there is no disclosure obligation cast on the Respondent No. 1 in regard to the queries of the Appellant. However, the same are answered.

8. In view of the above, I do not find any infirmity in the order of the F.A.A. In any case the information as held is to be furnished. Hence, I pass the following Order:-

ORDER

The Appeal is hereby dismissed.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 2nd day of May, 2011.

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

