

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 147/SCIC/2010

Dr. Ketan Govekar,
Wadji Building,
St. Inez Panjim Goa and others
... Complainant

V/s

The Public Information Officer,
North Goa Planning and Development Authority,
Panaji-Goa. ... Opponent

Complainant absent. Shri K. Shetye, representative of Complainant present.
Opponent absent.
Adv. Shri H.D. Naik for complainant also present.

ORDER
(04/11/2011)

1. The Complainant, Dr. Ketan 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 sec 7(6); that penalty be imposed on the P.I.O. as per law for denying the information to the complainant; that compensation be granted and that inspection of documents be allowed as per rules.

2. The case of the Complainant is fully set out in the complaint. In short it is the case of the complainant that he filed an application dated 08/02/2010 under Right to Information Act, 2005 ('R.T.I. Act for short) thereby requesting the Public Information Officer, North Goa Planning and Development Authority to issue information specified therein. That the opponent/P.I.O. failed to furnish the required information as per the application of the complainant and further no inspection of information was allowed. That considering the said non-action on behalf of the opponent of the R.T.I. Act and being aggrieved by the order dated

11/2/2010 has preferred the present complaint on various grounds as set out in the complaint.

3. In pursuance of the notice, Adv. Shri H. D. Naik appeared on behalf of the opponent, though opponent remained absent. The opponent did not file any reply as such, however, Adv. H. D. Naik argued on behalf of the opponent.

4. Heard the Complainant and Adv H. D. Naik in detail.

5. 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?

It is seen that Complainant along with four others sought certain information from the opponent and some 9 others. The application is a complaint as well as under R.T.I. The same is signed only by complainant. By reply dated 11-2-2010 the P.I.O./Opponent informed the complainant that under R.T.I. Act, no legal person like a company or society or an association of persons can approach the P.I.O. for information under Sec.6(1) of the R.T.I. Act as held by Goa State Information Commission in case no.25/2006 and 90/2006/TCP.

6. It is now to be seen whether a group of five persons can seek information.

Sec.6(1) uses the word 'A person' who desires to obtain information. In other words 'a person' is empowered to make an application though Sec.3 of the R.T.I. Act lays down that all citizens have statutory right to have the information. It is to be noted here that the word 'person' is not defined in the R.T.I. Act, though in common parlance 'person' denotes a natural person being an individual. I have perused some of the rulings of Central Information Commission as well as commentary to Sec.3 and 6 of the R.T.I. Act and it was held that a company, corporation, co-operative society, or any body of individuals whether incorporated or not incorporated, is not entitled to seek the information. It was also observed "The Act specifically confers the right of information on all 'citizens' and not 'persons' – the right of information

cannot be claimed by a company or by an association or by a body of individuals”.

In any case I need not touch this aspect in view of decision of this Commission in Complaint No.62/SIC/2009 (Shri Kashinath Shetye V/s. Public Information Officer, South Goa Zilla Panchayat) wherein it was observed that “Suffice information is provided to only one person from the application for information under R.T.I. Act.”

This Commission also has held similar view considering that R.T.I. is a people friendly user friendly Act. To my mind Complainant Dr. Ketan Govekar is complainant No.1, he figures in the complaint. Names of ‘others’ does not figure in the complaint. Besides Complainant Dr. Ketan Govekar has also signed the application as well as complaint.

7. Shri K. Shetye, representative of the Complainant prays that penalty be imposed for delay. It is seen that application is dated 8/2/2010, reply is dated 11/2/2010. The same is in time. The reply also mentioned about Appellate Authority. The complainant instead of preferring appeal before First Appellate Authority has chosen to file the complaint. In any case, complainant to take note of the same in future.

8. Coming to the prayers in the complaint information can be furnished. The inspection of files/documents can be given. The opponent can fix a date for inspection and thereafter information could be furnished. The whole process is to be completed within 30 days.

Since there is no delay Sec.7(6) is not attracted. So also penalty and compensation does not arise.

9. In view of all the above, I pass the following order.:-

ORDER

The Complaint is allowed. The opponent is directed to furnish the information as sought by the complainant vide application dated 08/02/2010, within 30 days from the receipt of this order and report compliance.

The opponent to give the inspection of documents/files to the complainant on a mutually agreed date but within 10 days of the receipt of this order and thereafter on inspection, information be furnished as specified by him. The whole process to be completed within 30 days.

Needless to say that information be furnished to Complainant Dr. Ketan Govekar only.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 4th day of November, 2011.

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