

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 267/SIC/2008

Shri Sushant S. Naik,
Costi Kalay, Sanguem – Goa.

..... Appellant.

V/s.

1. The Public Information Officer,
The Dy. Conservator of Forest,
Wildlife and Eco-Tourism, Panaji - Goa.
2. The First Appellate Authority,
The Conservator of Forests,
Panaji - Goa.

..... Respondents.

Appellant present in person.

Respondent No. 1 also in person.

J U D G M E N T

(Per Afonso Araujo)

The Order of the First Appellate Authority dated 9/1/2009 denying the request of the Appellant under the Right to Information Act, 2005 (to be referred as 'the Act') is challenged in this Appeal.

2. The Appellant approached the Public Information Officer – the Respondent No. 1 on 22/10/2008 and sought the following information: -

1. List of total works executed in Bhagwan Mahavir WLS & National Park and Cotigao WLS during 2006-07 & 2007-08.
2. Expenditure incurred on each work (Estimated & Actual).
3. Copies of the Sanctioned Estimates, Work order, submitted Bills on which payment effected having completion Certificate of the concerned officer.
4. The undersigned sought for Inspection of all the listed works so the concerned officers well verse to explain the queries may please be deputed to show the sites. Two dates may please be communicated of your convenience.

...2/-

In the reply the Respondent No. 1 stated that the Appellant requires to name scheme and whether the information sought is for plan or non-plan scheme. Not satisfied with the reply the Appellant moved, the First Appellate Authority – the Respondent No. 2 and by order dated 9/1/2009 observed that it was difficult to furnish information and unreasonable and unjustified in respect of total works executed in Bhagwan Mahavir Wildlife Sanctuary and National Park and Cotigao Wild Life Sanctuary during the years 2006-07 and 2007-08 and the Appellant to seek information in regard of specific cases and the Respondent to provide the information free of cost. This is the Impugned Order.

3. Written arguments were submitted by the Appellant and Shri Dalai submitted that the information sought is too vast as it covers minor and major works executed in entire Sanctuaries.

4. I have gone through the records of the case and taken into consideration the arguments of both the parties.

5. In the information sought by the request dated 22/10/2008 the Appellant requires list of works executed in Sanctuary and National Park Bhagwan Mahavir and Cotigao Sanctuary during the years 2006-07 and 2007-08; the expenditure incurred in each work; copies of Sanctioned Estimates, Work order, Bills etc. These information sought is too vast as it pertains to the total works and these works includes minor as well as major works undertaken in these two sanctuaries of Bhagwan Mahavir and Cotigao. The Respondent No. 1 by requiring the Appellant to indicate the plan and non-plan scheme, perhaps was referring to the minor and major works undertaken in those two extensive sanctuaries and one National Park. Infact, the Appellant ought to have been more specific while seeking the information specially when it pertains to such vast areas of Wild Life Sanctuaries and National Park.

6. Since the request for information enumerated in the letter dated 22/10/2008 pertains to the vast areas of Bhagwan Mahavir Sanctuary and National Park as well as Cotigao Sanctuary and since during the years 2006-07 and 2007-08 the number of minor as well as major works has been undertaken in those Sanctuaries, the proper course would be the

Appellant approach the Respondents for the inspection of the site, appraise of the location, identifies the works and then seek whatever information requires. In this manner by identifying the works carried, the Appellant would be in the position to specify the information required and in turn the Respondent No. 1 will be in the position to provide the information sought. Hence, the following order: -

ORDER

The Appeal is partly allowed. The Appellant first to carry the inspection in Bhagwan Mahavir Wild Life Sanctuary, National Park and Cotigao Wild Life Sanctuary, identify the works carried in those places and accordingly seek the information required. The Respondent No. 1 to intimate the dates for the inspection and entertain the request of the Appellant for the information sought and provide the information sought free of cost to the Appellant.

Pronounced in the open court on this 7th day of July, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

