

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 55/2008

Vigilia de Sa
For Moira Civic and Consumer Forum
866, Bambolim, Neura
Bardez - Goa

... Complainant

V/s.

The Public Information Officer
Block Development Officer
Bardez-II, Mapusa
Bardez - Goa

... Opponent

Dated: 29.07.2009

Complainant present in person.
Opponent absent.

ORDER

By letter dated 03.11.2008 the Complainant Ms. Vigilia de Sa sought information under the Right to Information Act from the Block Development Officer, Bardez, Mapusa and required a copy of the Observer's report on the Gram Sabha held in Moira Village on 26.10.2008. The Block Development Officer by letter dated 13.11.2008 did not furnish the information sought on the ground that the Complainant has asked the information on behalf of Moira Civic & Consumer Forum which does not fall within the definition of citizen and only citizens are entitled for information under section 3 of the Right to Information Act, 2005(for short the RTI Act). Aggrieved by this decision and denial of information the Complainant approached this Commission with this complaint.

2. Ms. Vigilia de Sa contended that the information was sought in her individual capacity though she is the member of the Moira Civic and Consumer Forum. Smt. Mohini Halarnkar submitted

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that the Complainant has signed the application for information for Moira Civic & Consumer Forum and Moira Civic and Consumer Forum not being a citizen as per provisions of section 3 of the RTI Act not entitled for information.

3. I have gone through records of the case and taken into consideration the submissions of both the parties. The information which was sought by the Complainant is in respect of the copy of the Observer's Report on Gram Sabha held in Moira Village on 26.10.2008. This request was written on the letterhead of Moira Civic and Consumer Forum and signed by the Complainant for Moira Civic and Consumer Forum. No doubt that a company, a firm or an association cannot seek information under the RTI Act since, as per section 3 of the RTI Act, only citizens have a right to information. In the present case though the Complainant sought information on the letterhead of and signed for Moira Civic and Consumer Forum, for all purposes she sought the information as an individual citizen and not as an executive member of the Forum. Had Moira Civic and Consumer Forum itself, sought information then the matter would have been different and the Opponent was justified in denying the information, stating that Moira Civic and Consumer Forum is not a citizen consequently not entitled for the information under the RTI Act. Though the Complainant used the letterhead of Moira Civic and Consumer Forum and signed the letter being member of the said Forum, the information sought under RTI Act, was for all purposes in her individual capacity as a citizen. Moreover the Opponent addressed the letter dated 13/11/2008 not to Moira Civic and Consumer Forum but to the Complainant. Using the letterhead of the Moira Civic and Consumer Forum, it can be considered as address of the Complainant for contact for the purpose of dealing with information under the RTI Act.

4. Hence, this complaint succeeds and the Complainant is entitled for the information sought in the letter dated 03.11.2008 and the Opponent to provide a copy of the Observer's Report on the Gram Sabha of Moira village held on 26.10.2008, within 20 days from the receipt of this Order and report compliance on 02.09.2009 at 10:30a.m.

Sd/-
(Afonso Araujo)
State Information Commissioner

