

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Complaint No. 04/SIC/2009

Vigilia De Sa,  
Moira Civic and Consumer Forum,  
Moira, Bardez – Goa.

..... Complainant.

V/s.

Public Information Officer,  
The Secretary,  
Village Panchayat Moira,  
Bardez – Goa.

..... Opponent.

Complainant present in person.

Opponent present in person.

## **ORDER**

The denial of the information by the Public Information Officer as well as by the First Appellate Authority is the grievance in the Complaint.

2. The Complainant on 16/02/2009 sought information under the Right to Information Act, 2005 (for short the RTI Act) pertaining to the work order in respect of construction of a road/pathway in the village and enumerated at Sr. No. 1 to 7 in the same letter. The Opponent by letter dated 09/03/2009 and in reply to the letter dated 16/02/2009 stated that information under the RTI Act can be sought only by natural person and not by legal person like company, firm, union, association and directed the Complainant to seek information as a natural person and not on the letterhead. In the First Appeal preferred, by order dated 5/6/2009 the First Appellate Authority dismissed the Appeal and maintained the decision of the Public Information Officer. Aggrieved by this denial of information, the present Complaint with a prayer to furnish information and imposition of penalties and disciplinary action.

3. Smt. Vigilia De Sa stated that the information was denied on inadmissible grounds and by law the Public Information Officer is bound to

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give the information. Ms. Smita Shetye submitted that the information sought by the Complainant under the Act was not in an individual capacity but as a volunteer of Moira Civic and Consumer Forum (for short the Forum) and in the letterhead of the said Forum and that the office bearers of the said Forum did not recognize the Complainant having any connection with the Forum.

4. I have gone through the records and proceedings of the case and submission of both the parties. The information sought by the Complainant in the request dated 16/02/2009, was denied by the Public Information Officer and the First Appellate Authority on the reasoning that the Complainant sought the information under Right to Information Act in the letterhead and volunteer of the Forum and only the natural person and not a company, firm, union or association is entitled for the information under the RTI Act. No doubt that the information sought by the Complainant was on the letterhead of the Forum and the Complainant is the volunteer of the said Forum. By this fact itself, it cannot be said that it is the Forum which called for information. Had the Forum itself sought the information, then the matter would have been different as the Forum is not a natural person and not entitled for the information under RTI Act. For all purposes the Complainant sought the information in her individual capacity as a citizen, though the Complainant used the letterhead and signed the request for information as the volunteer of the said Forum.

5. The First Appellate Authority, has even taken into consideration the dispute existing within the Forum among the office bearers of the Forum and the contention of the rival group stating that the Complainant have no connection with the Forum and not entitled to get the information by using the letterhead and signing as a volunteer of said Forum. Whatever be the disputes between the office bearers within Forum in no manner concerns with the decision to provide information required under the RTI Act. It is an internal matters of the Forum and the question is required to be seen is whether the information sought should be provided or not. The Complainant by using the letterhead of the Forum and signing as volunteer of the Forum can be taken as address given by the Complainant for the purpose of contacting her in respect of the information sought and as such the Opponent has to provide information to the Complainant.

However, there are no grounds for imposition of any penalties and initiate disciplinary proceedings. Hence, the Opponent to provide information required in the letter dated 16/02/2009 to the Complainant within 20 days from the receipt of this order and report compliance on 2/09/2009 at 10.30 a.m.

Pronounced in the open court on this 29<sup>th</sup> day of July, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner

