

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 06/SIC/2009

Shri Vasudev Kauthankar,
R/o H No 923/42, V.P. Socorro,
Porvorim, Bardez – Goa.

..... Complainant.

V/s.

Public Information Officer,
The Additional Collector – I,
Collectorate North, Panaji - Goa.

..... Opponent.

Adv. K. Kerkar for the Complainant.

Opponent present in person.

ORDER

The denial of information on the reasoning that it is not 'information' within the meaning of the Right to Information Act is the grievance in this Complaint.

2. The Complainant on 23/02/2009 sought information under the Right to Information Act, 2005 (for short the RTI Act) and required to know (a) An action taken by the Department on the basis of the complaint dated 06/02/2009 inwarded on 10/02/2009; (b) The person to whom the said plot bearing survey no. 12/1 of village Socorro, Porvorim, Bardez, Goa under the 20 point programme; and (c) If the said plot bearing survey no. 12/1 is allotted to any individual then the details of said allotment i.e. as to whom the said plot is allotted. The Opponent by communication dated 13/03/2009 by stating that information sought does not come under the purview of the RTI Act as per definition of section 2(f) and relying on the decision of the High Court of Bombay in Writ Petition No. 419/2007, denied the information to the Complainant. Aggrieved by this decision, the present Complaint.

3. Shri Kerkar for the Complainant submitted that the Complainant has not asked the reasons but wants to know what action has been taken by the Opponent and that the ruling quoted is not applicable in this

present case and that the information is incomplete and misleading. Shri Sawant stated that the information provided in the reply dated 13/03/2009 is by Public Information Officer Shri Dilip Karpe.

4. I have gone through the records and proceedings of the case and taken into consideration the submission of both the parties. The only point for determination is whether the information sought falls within the purview of the definition of information under section 2(f) of the RTI Act. Section 2(f) defines information and says as under: -

“(f) “information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;”.

On reading the definition of information it indicates that the information refers to the records in various forms and opinions, advices are information, provided they are available in the records and cannot be the opinions or advices from any public authority. It appears that the Complainant filed a complaint on 6/2/2009 and wants to know what action has been taken by the concerned public authority. The Complainant did not seek any reason for any action taken but wants to know whether there are any records indicating that some action one way or other has been taken on his complaint. This request definitely is information within the meaning of the RTI Act and in no way the Complainant requires the opinion from the concerned public authority.

5. In such circumstances, the Opponent must provide the information sought at Sr. No. a, b and c of the letter dated 23/02/2009 and the Opponent is directed to give this information within the period of 20 days from the date of the receipt of this order and report compliance on 09/09/2009 at 10.30 a.m.

Pronounced in the open court on this 11th day of August, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

