

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Complaint No. 110/SCIC/2009

Mr. Mahesh D. Vaigankar,  
304, Madhalawada Harmal,  
Pernem, Goa – 403 524.

..... Complainant.

V/s.

Public Information Officer,  
The Principal,  
Harmal Panchakroshi Higher Secondary School,  
Harmal, Pedne – Goa.

..... Opponent/Respondent.

Shri Sadanand Vaigankar on behalf of Complainant.

Adv. S. Parab for Respondent.

**ORDER**  
**(15-04-2010)**

1. The Complainant, Shri Mahesh D. Vaigankar, has filed this present Complaint praying that the Opponent be directed to accept the application for information and asked to furnish the information; that Opponent be directed to pay fine as applicable; that the Opponent be recommended for disciplinary action under service rules and for costs.

2. The facts leading to the present Complaint are set out in the Complaint which is on record. In short, it is the case of the Complainant that he made an application dated 01/10/2009 to seek information from the Public Information Officer, Principal, Harmal Panchakroshi Higher Secondary School, Harmal, Pedne – Goa. That the Complainant received letter No. HPHSS/2009-10/216 dated 08/10/2009 from the Opponent mentioning the inability to furnish the information asked for, as the request does not fall under his jurisdiction and returned the original application for information. Since the Opponent did not accept the Application, the present Complaint is filed.

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3. The Opponent resist the Complaint and their say is on record. It is the case of the Opponent that after receiving the application from the Complainant, the Opponent specifically by its letter dated 8/10/2009 informed the Applicant that the information sought is not within the jurisdiction of the Harmal Panchakroshi Higher Secondary School. That the information sought by the Applicant through its application dated 1/10/2009 is in connection with Harmal Panchakroshi Shikshan Mandal, Harmal, Pednem which is a society. That the application was moved before the wrong Public Information Officer. According to the Opponent the Complaint is liable to be dismissed.

4. Heard Shri Sadanand Vaigankar on behalf of Complainant and the learned Adv. Shri Sagar Parab for the Opponent. Both argued in similar vein as per their pleadings.

It is seen that by application dated 1/10/2009 the Complainant sought certain information in connection with Harmal Panchakroshi Shikshan Mandal, Harmal, Pednem – Goa, which is an education society under which the said Higher Secondary School is functioning. The information is in the nature of 8 questions and all are about Society. But strangely the information is sought from Higher Secondary School. The Public Information Officer/Principal by letter dated 8/10/2009 informed the Complainant that the requested information does not fall under jurisdiction of this Authority.

5. It is to be noted that object of the RTI Act is to ensure greater and more effective access to information under the control of Public Authority. Section 6 of the Act postulates that a person who desires to obtain any information under the Act shall make a request in writing or through

electronic means to the authorities specifying the particulars of the information sought by him. Under section 7(1) Central Public Information Officer or State Public Information Officer as the case may be shall provide the information within 30 days of the receipt of the request on the payment of such fees as may be prescribed or reject the request on any of the grounds specified under section 8 and 9 of the Act. Section 6(3)(ii) also provides for transferring the request to the other concerned authority who may hold the information. In the case at hand the Opponent ought to have transferred the application to the society since the school is being run by the Society. Under RTI Act, the Opponent is duty bound to transfer the Application. This is the solemn obligation cast upon the concerned authority to which the Application is made. Since the RTI Act is people friendly, user friendly Act, the objective behind enacting this provision by the legislature is obviously to lessen the travails of an information seeker, lest the information seeker is lost in the labyrinth of procedural technicalities.

6. In view of the above, the applicant to send the Application to the Principal within two/three days from the receipt of this Order. On receipt of the application, the Opponent/Principal to send the application to the Secretary of the Society under section 6(3)(ii) of the RTI Act with intimation to the Complainant.

Opponent to maintain time schedule prescribed by law.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 15<sup>th</sup> day of April, 2010.

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



