

GOA STATE INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 21/2006/

Shrihari Kugaji
78/2, Cross Adarsh Nagar,
Hindwadi - P.O. Belgaum District,
Karnataka - 590 011.

..... Appellant.

V/s.

1. Public Information Officer,
Office of Chief Conservator of Forests,
Panaji.
2. The Chief Conservator of Forest, Panaji &
First Appellate Authority.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated : 18/09/2006.

Appellant in person.

Mr. Rajesh (PIO) in person on his behalf as well as on behalf of first Appellate Authority who is Respondent No. 2.

ORDER

The Appellant has approached the Public Information Officer by his letter dated 6th December, 2005 followed by another application dated 26th January, 2006 to the Chief Conservator of Forest. By his original application, he has requested for the supply "both the copy of expert committee and report prepared and submitted by the State Government to the Hon'ble Supreme Court in compliance of the order dated 12/12/1996 in a Writ Petition No. 202 of 1995". As he did not receive the reply within 30 days, he filed an appeal on 11/3/2006 to Respondent No. 2 who is the first Appellate Authority against the deemed refusal of his original request. The first Appellate Authority (FAA) thereafter,

...2/-

directed the PIO to issue the reports. In spite of the specific order of the FAA, he did not receive any reply. Hence, the present second appeal was filed on 1/7/06. The reports were duly received by the Appellant free of charge as they are given to him after the second appeal was filed. In the second appeal, the Appellant sought relief on 2 prayers, namely, (1) the penalty should be imposed on the PIO under the Right to Information Act and the cost to the proceedings be awarded and (2) that the information be provided free of charge.

2. On the day fixed for arguments, the PIO has given his reply, which was duly served on the Appellant. The Appellant, however, wanted the specific report on the sawmills prepared by an expert committee, to be given to him free of cost. He submitted that what he was given free of cost are two reports on the identification of private forests in Goa, but not about the sawmills. Joining issue, the PIO stated that the original request does not mention about this report about sawmills, which they can give now.

3. We have seen the original application dated 6/12/2005, the application is not addressed to the PIO but to the Chief Conservator of Forests. Though it contains number of statements. The actual prayer and request for information is about the supply of copy of expert committee report, which was prepared and submitted by the State Government to the Hon'ble Supreme Court. The report about sawmills was not specifically asked. With the above view of the matter, we direct the PIO to give the copy of the report prepared by a committee on the subject of the sawmills and which was submitted to the Supreme Court of India.

4. Regarding the prayer of the Appellant to impose the penalty and award the cost of proceedings for unnecessary delay and denial of request, we are of the view that the request itself is vague and not addressed to the P.I.O. Hence, we are not inclined to start the penalty proceedings under Section 20 of the Act. Further, there is no provisions in the RTI Act to award costs. Hence, we reject the prayer. We have noted that the PIO, under the mistaken impression that all documents given after 30 days have to be given free of cost under Section 7 (6) of the Act, has already given two reports about the identification of private forests free of cost. This Commission has already held in the case of Ligirio Pereira V/s. PIO, Town and Country Planning and reiterated in other cases that only the

documents mentioned under Section 7 (5) of the Act are to be given free of cost if they are not given within the 30 days time limit. As such, the question of giving the expert committee report on saw mills, which is now directed, free of cost to the Appellant does not arise. We, therefore, direct the PIO to supply the report on receiving the prescribed payment of fees on 22/09/2006 at 5.00 p.m.

Pronounced in the open Court.

(A. Venkataratnam)
State Chief Information Commissioner, GOA.

(G. G. Kampli)
State Information Commissioner, GOA.