

GOA INFORMATION COMMISSION

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

Appeal No. 106/2007-08/GIDC

Dr. J. C. Almeida,
La Campala Residential Colony,
Vilaluz Miramar, Panaji - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Shri. A. D. Naik,
The Chief General Manager,
Goa Industrial Development Corporation,
Patto, Panaji - Goa.

2. First Appellate Authority,
Shri. A. V. Palekar,
The Managing Director,
Goa Industrial Development Corporation,
Patto, Panaji - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 18/01/2008.

Appellant in person.

Respondent No. 1 absent.

Shri. Mandar Shirodkar, Law Officer for Respondent No. 2.

ORDER

This disposes off the second appeal filed against the Respondents for not providing him the information to the Appellant's request dated 08/10/2007. The Public Information Officer by his letter dated 02/11/2007, infact, did not give any information but asked the Appellant to visit the Public Information Officer's office to inspect the files and thereafter, requested for particular information. The Appellant refused to visit the Public Information Officer's office as he asked for specific information and did not wish to inspect the office files of Goa Industrial Development Corporation (GIDC). Thereafter, he filed his first appeal on 13/11/2007, to which he received a copy of notice dated 16/11/2007 addressed to the Public Information Officer. However, the Appellant did not

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receive any reply/order from the first Appellate Authority within 30 days of his first appeal which expired on 13/12/2007. The second appeal was filed by him on 14/12/2007 before us.

2. Notices were issued and the Appellant was present. Shri. M. Shirodkar was present on behalf of Respondent No. 2 with a letter of authority and presented a written statements of Respondents No. 1 and 2 and also argued the matter on behalf of Respondent No. 2. A copy of the Roznama dated 5/12/2007 containing the order of first Appellate Authority was also enclosed to the statement of Respondent No. 2. The Appellate order states that (i) "the information was provided by the Public Information Officer"; (ii) that the first Appellate Authority was satisfied with it; and (iii) that the case is "disposed off". We have mentioned above that the Appellant was called by the Public Information Officer to his office by his letter dated 2/11/2007. This cannot be treated as providing the information and is only a travesty of truth. The question of the satisfaction of the first Appellate Authority with the information, therefore, does not arise. Under these circumstances, we can only interpret the "disposal" by the first Appellate Authority as rejection of the first appeal.

3. It is the case of the Respondent No. 2 that the information sought by the Appellant is not available readily at one place and it has to be collected from various files and compile questionwise asked by the Appellant. He submitted that this is not provided under the Right to Information Act, 2005 (RTI Act for short), wherein the section 2(f) the word, "information" has been defined as any material in any form. Preparing the information even from the existing records of the public authority, according to him, is not covered by this definition. He has cited two decisions of this Commission against the same public authority, namely, (i) Allan Faleiro Vs. PIO, GIDC and other in second Appeal No. 78/2007, order dated 13/12/2007 and (ii) Second Appeal No. 48/2006, order dated 8/12/2006 in the case of Uday M. Rege Vs. PIO, GIDC and other. In both the cases, this Commission has interpreted section 2(f) and stated very clearly that the information requested has to be given as long as it is available in the records of the public authority even if the request for information is in the form of questions. What this Commission has held in case No. 48/2007 is that the citizen is not entitled to know the future course of action contemplated by a public authority in any particular area, if it does not form a part of already existing records.

4. We have seen the questions posed by Mr. Almeida and we are of the definite opinion that he has neither asked for any advice from the GIDC and no information about the future course of action by the GIDC. He has only asked the statistical information regarding the allotment of land by the GIDC to the various Special Economic Zones (SEZ) in Goa. No doubt, this requires some efforts on the part of the Public Information Officer to compile the same from the various files. However, all the information is existing in the Corporation and forms part of the record of the public authority. The cases cited by the Respondent No. 2 do not help the case of the Respondent No. 2 but actually strengthen the case of the Appellant. We, therefore, do not see any merit in argument of the Respondent No. 2.

5. During the course of the arguments, the Appellant has raised the point that he has not been given a notice for hearing by the first Appellate Authority. He has stated that the notice issued to the Respondent No. 1 was marked to him as a copy without any request to remain present before the first Appellate Authority. He cited various notices received by him from various quasi-judicial authorities wherein specifically notices were addressed to him. Even this Commission itself has issued the notice on 17/12/2007 to both the Respondents as well as copy to the Appellant. However, in the copy meant for the Appellant, he was clearly requested to remain in person or duly authorized agent or pleader. We, therefore, uphold the argument of the Appellant and direct the first Appellate Authority to issue specific notices for hearing in future as a matter of procedure.

6. For the above reasons, the appeal succeeds. The letter dated 2/11/2007 of the Respondent No. 1 and the order dated 5/12/2007 of the Respondent No. 2 are hereby set aside. The Public Information Officer is directed to give the information to the Appellant in next 15 days.

Announced in the open court on this 18th day of January, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner, GOA.

Sd/-
(G. G. Kambli)
State Information Commissioner, GOA.