

## **GOA INFORMATION COMMISSION**

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

Appeal No. 46/2007-08/SBHS

Engr. Rabindra A. L. Dias  
Dr. Pires Colony, Block 'B',  
Cujira, St. Cruz, Tiswadi - Goa.

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Appellant.

V/s.

1. Dr. Celsa Pinto  
First Appellate Authority,  
Director of education,  
Panaji - Goa.
2. Rev. Fr. Apollo Cardozo SJ,  
Public Information Officer/Head Master,  
St. Britto's High School,  
Mapusa, Bardez - Goa.

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Respondents.

### **CORAM:**

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

(Per G. G. Kambli)

Dated: 03/09/2007.

Appellant in person.

Respondent No. 1 in person.

Respondent No. 2 absent.

### **ORDER**

The Appellant vide his application dated 3/4/2007 requested the Respondent No. 2 to provide him certified copies of:

- (i) Registration of the St. Britto's Old Boys Association;
- (ii) Copy of the Constitution;
- (iii) Amendments carried out, if any;
- (iv) Rules & Regulations of the Association;
- (v) Copy of the Life Membership application, refused/rejected, with the inscriptions, therein.
- (vi) Whether the application can be rejected, due to payment by cheque;

...2/-

- (vii) Any other document/documents relevant, in the interest of the Association.

As the Respondent No. 2 refused to accept the application of the Appellant, the Appellant sent his application by registered post. The Appellant, thereafter, filed the first appeal before the first Appellate Authority i.e. Respondent No. 1 herein who by order dated 12/6/2007 allowed the appeal and directed the Respondent No. 2 to communicate the decision to the Appellant on the application dated 3/4/2007 within 5 days from the date of the receipt of the order. In compliance with the said directions of the first Appellate Authority, the Respondent No. 2 replied vide letter dated 18/6/2007 that Old Boys Association is a private body and does not fall within the purview of the Public Authority. The Respondent No. 2 also informed that the said Association is not controlled or financed by the Government.

2. The short question that arises for our consideration in this second appeal is whether the Old Boys Association is a Public Authority within the meaning of Section 2(h) of the Act. In order to attract the provisions of Section 2(h) of the Act, it is necessary that the association or body or institution is either to be established or constituted by or under the constitution or by any law made by the Parliament or by any other law made by the State Legislature. Besides the above categories, the other associations are also covered provided they are owned, controlled or substantially financed. The Respondent No. 2 in his reply to the Appellant has categorically stated that the said Association is not controlled or financed by the Government.

3. The Appellant could not satisfy us that the Association is either established or constituted under any of the laws made by the State Legislature. The Appellant also could not satisfy that the said Association is receiving substantial grants from the Government. In the absence of these details, it is not possible for the Commission to arrive at the conclusion that the said Association is a Public Authority. The Respondent No. 2 has also stated that he is not the Public Information Officer of the said Association but he is the Public Information Officer of the High School.

4. In these circumstances, the application dated 3/4/2007 of the Appellant itself is not maintainable, as the Appellant has failed to prove that the said Association falls within the purview of the Section 2(h) of the Act. Hence, we dismiss the appeal and set aside the order dated 12<sup>th</sup> June, 2007 of the Respondent No. 1.

Pronounced in the open court on this 3<sup>rd</sup> day of September, 2007.

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

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

/sf.  
sf./pg.