

GOA INFORMATION COMMISSION

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

Appeal / 48 / SIC / 2008 / _____.

Shri Amar Heblekar,
Range Forest Officer,
Wildlife Mollem,
Mollem - Goa.

..... Appellant

V/s

1. The Public Information Officer,
The Deputy General Manager (Fin.),
Goa Tourism Development Corporation,
Trionara Apartment, Panaji - Goa

..... Respondent No.1..

2. The First Appellate Authority,
The Managing Director,
Goa Tourism Development Corporation,
Trionara Apartment, Panaji - Goa

..... Respondent No.2..

CORAM:

Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 28th July, 2008.

Appellant present in person.

Adv. Shivam Dessai for the Respondents.

ORDER

By a letter No. RFO-WL/MLM/OFF/2008-09/18 dated 24/04/2008, the Appellant requested the Respondent No. 1 to provide certain information under the Right to Information Act, 2005 (for short the Act). The Respondent No. 1 by his reply No. 1-15/83/98-GT (Admn.)/Part-III/7380 dated 13/05/2008 rejected the request of the Appellant on the ground that the information under the Act can be sought only by a human being and not by a company or by firm or any other legal person.

2. Aggrieved by the decision of the Respondent No. 1 the Appellant preferred an Appeal vide letter No. RFO-WL/MLM/OFF/2008-09/21 dated 19/05/2008 to the First Appellate Authority, the Respondent No. 2 herein, as the First Appellate Authority did not dispose off the first Appeal within the time limit specified in sub-section (6) of section 19 of the Act, the Appellant has filed the present 2nd Appeal under section 19 (3) of the Act.

...2/-

The Respondents filed replies and the argument of the Appellant as well as the learned Adv. Shri Shivam Dessai for the Respondents were heard. Shri Shivam Dessai, the learned Adv. for the Respondents contended that the information sought by the Appellant was already furnished to the Dy. Conservator of Forest by the Respondent No. 1 vide his letter No. 2/5/14-259/HE/7895 dated 16/06/2008 with a copy of the Appellant as per the letter dated 10/06/2008. Since the information has already been provided nothing survives in the present appeal and therefore, it should be dismissed.

2. On the other hand the Appellant submitted that the Appellant has sought the information and therefore the Respondent No. 1 should have provided the information to the Appellant and not to the Dy. Conservator of Forest under the Act. On query by this Commission, the Appellant clarified that he has sought the information from the Respondent No. 1 in his Official capacity.

3. On going through the request letter dated 24/04/2008, it is seen that no doubt the Appellant has sought the information in his official capacity as he has sought the information by using the letter numbers of the department. The Appeal filed before the First Appellate Authority was also in his official capacity as he has used the letter numbers. If at all, the Appellant wanted to have the information for his official use, the Appellant could have very well sought the same in its official capacity and not necessarily under the Act. The Commission has already held the view that the information under the Act can be sought only by the natural person and not by legal person like company, firm, union or association etc.

4. It is also pertinent to note that the Dy. Conservator of Forest vide his letter No. 1-04-81-WL&ET-08/562 dated 10/06/2008 requested the Managing Director i.e. Respondent No. 2 herein to furnish the information expeditiously on Top Priority. Accordingly, the Respondent No. 1 herein by his letter No. 2/5/14-259/HE/7895 dated 16/06/2008 has already furnished the information to the Dy. Conservator of Forest with a copy to the

Appellant. The contention of the Appellant is that the information ought to have been provided to him when the Appellant has sought the information. If the Appellant has sought the information from the Respondents, under the Act, there was no need for the Dy. Conservator of Forest to write to the Respondent No. 2 to furnish the information.

5. On going through records it is seen that the Appellant has taken up the matter officially with the Respondents and the Respondent has provided the information to the Dy. Conservator of Forest and the Appellant can very well obtain the same from the Dy. Conservator of Forest. As stated earlier, the right to seek information under the Act is available only to the natural person and not to the legal person and I maintain the same view.

6. In view of the above, I do not see any merits in the present Appeal and accordingly, the same is hereby dismissed.

8. Pronounced in the open Court on the 28th day of July 2008

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

No. GIC/ Appeal / 48 / SIC / 2008 /
Goa State Information Commission,
Shrama Shakti Bhavan Shakti Bhavan,
Ground floor, Patto Plaza,
Panaji – Goa.

Dated: 28/07/1008.

To,

1. The Public Information Officer,
The Deputy General Manager (Fin.),
Goa Tourism Development Corporation,
Trionara Apartment, Panaji - Goa
2. The First Appellate Authority,
The Managing Director,
Goa Tourism Development Corporation,
Trionara Apartment, Panaji - Goa

Sub: Appeal / 48 / SIC / 2008 /

Sir,

I am directed to forward herewith the copy of the Order dated 28/07/2008 passed by the Commission on the above Appeal for information and necessary action.

Yours faithfully,

(Pratap Singh Meena)
Secretary.

Encl: Copy of Order in 3 pages.