

GOA STATE INFORMATION COMMISSION

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

Appeal No. 93/2006/MAM

Shri Suresh D. Naik
H. No. 124/4/6,
Gaunsawado, Mapusa - Goa.

..... Appellant.

V/s.

1. Public Information Officer
The Mamlatdar of Pernem taluka,
Office of the Mamlatdar of Pernem,
Pernem - Goa.
2. First Appellate Authority
The Dy Collector,
Bardez -II for Pernem Taluka,
Pernem - Goa.

..... 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: 22/03/2007.

Adv. Pranay Kamat present for the Appellant.

Respondent No. 1 and 2 in person.

ORDER

This disposes off the second appeal filed by the Appellant on 23/2/2007 against the order dated 19/1/2007 by Respondent No. 2. The first appeal filed by the Appellant on 5/12/2006, maintaining the earlier order of Respondent No. 1 dated 9/10/2006 rejecting the request for information dated 18/9/2006 by the Appellant. By the original request the Appellant requested the copy of document called "manifesto" No. 2648 from the Respondent No. 1.

2. On issuance of the notices, both the Respondents filed their written statements and argued their matters. It is interesting to note that the Respondent No. 1 rejected the request under Section 8(1)(j)(3) of the Right to Information Act,

...2/-

2005, information being older than 20 years whereas the first Appellate Authority, Respondent No. 2, rejected the request as the documents are not available. We do not know which is the correct reason. The Respondent No. 1 has not taken up this plea of non-availability of records even before us in his written statement. He has stated that the documents are older than 20 years and hence, he cannot give the documents. He has also submitted the difficulty of absence of a Portuguese translator. We do not know from where the Dy. Collector got this idea that the documents are not available because he is not the custodian of the records. Whatever be the case, we have already held that no documents can be rejected merely because they belong to a period prior to 20 years. Only the documents mentioned under section 8(1)(a);(c); and (i) are exempted from disclosure forever. Subject to the proviso under Section 8(1)(i), the veil of secrecy is lifted in respect of other categories mentioned under Section 8(1) after a period of 20 years. We, therefore, find no merit in the orders of both the Respondents rejecting the request of the Appellant. Accordingly, we direct the Respondent No. 1 to provide the documents requested within 15 days from the date of this order. Orders to be communicated by post.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kambli)
State Information Commissioner