

GOA STATE INFORMATION COMMISSION

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

Appeal No. 6/2006/GU.

1. Dr. G. C. Pradhan
2. Dr. S. K. Pradhan

..... Appellants.

V/s.

1. Dr. M. M. Sangodkar
Public Information Officer,
Registrar of Goa University.
2. Prof. P. S. Zacharias
Vice Chancellor of Goa University.

..... 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)

Appellants in person.

Learned Adv. Mrs. A. A. Agni, for Respondents.

Dated : 08/08/2006.

ORDER

This disposes off the second Appeal under Section 19 (3) of the RTI Act, 2005. The brief facts are that the Appellants by various letters approached the Respondent No. 1 for furnishing certain information. The Respondent No. 1 has not furnished the said

...2/-

information. Consequently, the Appellants have approached the Respondent No. 2 by their first Appeal dated 17/05/2006. The first Appellate Authority, the Respondent No. 2, disposed off the Appeal and the order was communicated by a letter dated 22/05/2006 to the Appellants furnishing the information on 3 points of their request dated 04/04/06 and asking the Appellants to approach the Principal, Nirmala Institute of Education, another public authority, for the remaining information on five points. Feeling aggrieved, the Appellants filed the present second Appeal.

2. The Respondents were served notices for filing reply and hearing. The Learned Adv. Mrs. A. A. Agni appeared on the day of final arguments for Respondents.

3. The Respondents have taken a preliminary objection stating that they are the public authority only after the issuance of notification to that effect by the Government in Education Department on 21/07/2006. The applications made prior to that need not be entertained by the Respondents. On the day of the arguments, Mrs. Agni submitted that the Goa University has a dual role. In relation to its own administration it is the Public Authority right from the day of enforcement of the Act; and in respect of the affiliated colleges, it is a "Public Authority" only from the day of notification by the Government. Hence, the request of the appellants made prior to 21/07/06 is not maintainable as it relates to an affiliated college, Nirmala Institute of Education. She has further submitted that without prejudice to the preliminary objection, on merits the University has no objection to give the remaining correspondence on 5 letters which are addressed to the Goa University by the Nirmala Institute of Education. In other words, the University preferred to give the copies of the 5 letters addressed to it

by the Nirmala Institute of Education instead of advising the Appellants to go to the Nirmala Institute of Education as was done by them earlier.

4. On the point of the preliminary objection of maintainability of the appeal, the appellants submitted that no notification by Government is required to be issued to declare the Goa University as a public authority in view of Section 2 (h) (c) of the RTI Act. They have submitted a photocopy of the Goa University Act, 1984 as passed by the Legislative Assembly of the then Union Territory of Goa, Daman and Diu and assented to by the President of India on 28/11/1984.

Section 2(h) defines the Public Authority as follows: -

Section 2(h) "Public Authority" means any authority or body or institution of self-government established or constituted—

(a) _____

(b) _____

(c) by any other law made by State Legislature;

(d) _____

(i) _____

(ii) _____

The Goa University is established by a law made by the Goa Legislature.

In view of this, we have no hesitation in holding that Goa University is a "Public Authority" as defined under Section 2(h) (c) of the RTI Act, 2005 right from the enforcement of the RTI Act. Under Section 5(1) of the RTI Act, it is for the public authority to designate the Public Information Officer (PIO) and Asst. Public Information

Officer (APIO) and the First Appellate Authority. In fact, the Goa University has done so by its own notification dated 10/02/2006. The fact of the Government issuing a formal notification bringing Goa University as public authority and designating the PIO/APIO/First Appellate Authorities does not alter the statutory position as mentioned above. At best, the Government order could be termed as an effort to consolidate the information of all public authorities under the control of its Higher Education Department. We are also not convinced with the argument that the Goa University is a Public Authority from two different dates by virtue of its dual role. Hence, we are constrained to overrule the preliminary objection.

5. The Appellants, pressed for the disposal of the earlier requests made by them on 17/2/2006, 14/3/2006, 4/4/2006 and 17/4/2006. The Learned Adv. Mrs. Agni stated that the requested information is not clear and specific and that University will provide the information if a specific request is made, if necessary, on inspecting the files of the University. She has offered to make available the files provided, prior intimation is given. This offer seems to be fair enough and the Appellants are directed to approach the University for inspection of files and thereafter make specific request for the documents they wish to obtain from the University.

6. The Appellants also have prayed for initiating penalty proceedings under Section 20 of the Act. However, as we do not see any malafide intention on part of the Goa University for not providing the information as requested by the Appellants, we are not inclined to accept the request. We have noted from the record that the University did provide information in the past to the appellants

on the letter's requests. As a result, the Appeal is partly allowed. The Respondents are directed to provide the copies of letters from Sr. No. 4 to 8 of the appellants request dated 04/04/06 to the Appellants within 7 days from the date of receipt of this order. The Respondents will also provide the necessary facilities for the inspection of relevant records by the Appellants on a mutually agreed date and time. Parties to be informed.

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

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