

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**CORAM: Shri Juino De Souza State Information Commissioner**

**Appeal No. 66/SIC/2012**  
**& Complaint No. 13/SCIC/2012**

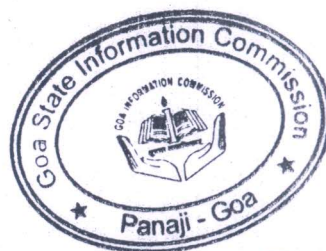
Mr. C. Shivadasan Nair  
H. No. 87, Alisha Niwas  
Chicolna Bogmalo  
Mormugao- Goa.

**v/s**

**.... Appellant/ Complainant**

1. Public Information Officer  
Dy. Director (North)  
Directorate of Panchayats,  
Panaji- Goa.

2. First Appellate Authority,  
Director  
Directorate of Panchayats,  
Panaji- Goa.



**..... Respondent**

**Relevant emerging dates:**

Date of Hearing : 10-06-2016

Date of Decision : 10-06-2016

**O R D E R**

1. The above Appeal / Complaint pertain to one and the same parties involving one and the same subject matter and as such both the Appeal and Complaint are clubbed together and disposed off by one single common Order.
2. The brief facts of both cases are the Appellant/ Complainant had vide an application dated 15/09/2011 sought certain information pertaining to a Government Order No. 30/3/DP-99 dated 22/03/2000. It is noted that from the application that the Appellant/ Complainant has asked information in the form of questions using the words "whether", "what", "who", "for what", "Have you, etc on ten different points.
3. The Respondent PIO vide letter No. 26/87/DP/RTI/2011/8116 dated 20/9/2011 rejected the request of the Appellant to provide the information on the ground that the information sought by the Appellant does not come within the purview of the word "information" as per Section 2 (f) of the Right to Information Act, 2005.

...2

4. Being aggrieved thereafter the Appellant moved the FAA on 18/10/2011 and the FAA vide his Order dated 17/01/2012 disposed off the said First Appeal. Not being satisfied with the order passed by the FAA the Appellant has filed a Second Appeal on 27/03/2012 through his Attorney Smt. Anita Nair who is the wife of the Appellant and also a Complaint in his own name on 17/01/2012.
5. The Appellant / Complainant has approached the commission on the grounds that the Respondent PIO should have provided correct and complete information and that the Respondent FAA had failed to dispose the First appeal within the time frame as required under 19(6) of the RTI Act and ultimately decided the Appeal in favour of the PIO. In the prayer the Appellant / Complainant has sought directions that the Respondent PIO should furnish him information and also to hold enquiry, penalty, compensation, Disciplinary action and other such reliefs.
6. During the hearing the Appellant / Complainant is absent despite advance sent by Registered Post without intimation to this commission. Respondent PIO Shri. Satish Desai along with representative of the FAA Head Clerk Halankar are both present in person. The Respondent PIO submits that the Appellant was given a reply to his application dt. 28-9-2011 informing that the queries from Sr. Nos. 1 to 10 of his application did not come under the purview of the word "information" u/s 2 (f) as it is sought in question form with interrogatories such as why, what, whether, have you, etc and such questions cannot be answered.
7. The PIO further submits that pursuant to the Order of the FAA further information was also furnished to the Appellant vide letter dt. 16/01/2012 and copies of the Official Gazette were enclosed. The Representative of the FAA states that in view that the FAA directed information to be furnished to the Appellant and which has complied by the PIO nothing survives in both the Appeal and Complaint cases and request the commission to dispose both these matters.
8. On scrutiny of the file the Commission finds that indeed the Appellant /Complainant has been furnished all the information. The commission also observes that in both the applications seeking information the information sought was in form of questions using words such as whether, who, what, have you come across, etc. and which as rightly held by the PIO does not amount to be "information" as per Section 2(f) of the RTI Act, 2005.

9. The Commission also observes that in the reply of the PIO an Official Gazette has also been enclosed which contains detailed information pertaining to the Goa (Regulation of Land Development and Building Construction) Act and the Regulations Act, 2010 which were repealed.
10. The Commission also notes from the record of the Roznama dated 15/01/2015 passed by this commission presided by the then Chief Information Commissioner which states: "Prima facie all questions are based on an Order dated 30/3/DP/ 99 dated 22/03/2000 which stands repealed by the Goa Regulation of Land Development and Building Construction Act which is what is communicated by PIO in Para 1 in answer to all 10 questions and prima facie this appears logical. Hence not much merit is apparent."
11. As stipulated in the RTI Act the role of the PIO is to provide information as available from the records. Regrettably the PIO cannot procure information for the satisfaction of the Appellant. It is not a case where the PIO has denied the request for information.
12. The Commission therefore comes to the conclusion that as the desired information which was available has been furnished to the Appellant. Complainant although the application of the Appellant / Complainant was in question form, nothing survives in both the Appeal and Complaint cases which are devoid of any merit and hence stands dismissed. All proceedings in the respective Appeal and Complainant cases stand closed.

Pronounced at the conclusion of the hearing before the parties who are present. Authenticated copies of Order be given to the parties free of cost.

  
(Juino De Souza)  
State Information Commissioner

