

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

CORAM: Shri Juino De Souza State Information Commissioner

Appeal No. 171/SIC/2012

I.S. Raju,
R./o H. No.706-A,
Acsona, Pendolpem,
Benaulim Salcete-Goa

..... Appellant

v/s

1. Public Information Officer,
Dy. Director (HIB), Spl. Cell, DHS,
Panaji-Goa.
2. First Appellate Authority,
Directorate of Health Services,
Campal, Panaji



..... Respondents

Relevant emerging dates:

Date of Hearing : 21-07-2016
Date of Decision : 21-07-2016



ORDER

1. Brief facts of the case are that the Appellant submitted an application dated 06/06/2012 under RTI to Public Information Officer, DHS seeking certain information of a letter dated 14/03/2012 which was not under RTI, Act 2005 since no Rs.10/- processing fees was affixed. The Public Information Officer, DHS submitted the information to Appellant vide letter No. DHS/Spl.Cell/RTI/122-2012/226 dated 06/07/2012 within as per RTI, Act, 2005.
2. Not being satisfied with the reply the Appellant filed First Appeal on 09/07/2012 and the FAA passed an order dated 03/08/2012 directing the PIO to furnish point wise information within 15 days.
3. It is seen that the PIO vide his letter to the Appellant being letter No DHS/Spl.cell/RTI/2012-13/122-2012/280 dated 10/08/2012 and another letter no. DHS/Spl/RTI/2012-13/122-2012/296 dated 16/08/20112 had furnished information to the Appellant by enclosing copies of inspection of NOC for occupancy certificate carried out by Mr. Peter Alveres, Sanitary Inspector and signed by Medical officer Dr. Edgar Menezes.

4. Also it is stated in the letters that Shri. Peter Alveres, sanitary Inspector has not maintained any inspection report nor any diary and Dr. Maria Gwen Saldanha instructed Shri. Peter Alveres to submit inspection report within 48 hrs and also the matter relating to distance between septic tank and potable well once again.
5. It is further stated in the said letters that the PIO, DHS received the information from PIO, Cansaulim on 14/08/2012 regarding granting of NOC for occupancy to Mrs. Maria Dsouza from sanitary pint of view in property bearing S/No/157/3, Village Panchayat Cana-Banaulim.
6. It is seen that again the Appellant filed a First appeal on 17/10/2012 and the same was fixed on 09/11/2012. The FAA vide his order dated 09/11/2012 directed the PIO, Cansaulim PHC to provide the available information as per para No.2 of the First Appeal to Shri. I.S. Raju the Appellant within 15 days. However being aggrieved with the order of the FAA in both the First Appeals the Appellant has thereafter filed a Second Appeal before the commission on 03/08/2012 and has prayed that the commission take cognizance that the information given is incorrect, incomplete and misleading and to penalize the Respondents.
7. During the hearing the Appellant is absent, however he has sent intimation dated 06/06/2016 opting to remain absent while requesting the commission to dispose the appeal on merits as per material on record. The Respondent PIO Anil Kumar Dy. Director alongwith Adv. Harsha Naik and FAA represented by Rita Dias are all present.
8. The Respondent PIO submits that all information was provided to the Appellant vide letter No DHS/Sp' cell/RTI/2012-13/122-2012/280 dated 10/08/2012 and letter no. DHS/Spl/RTI/2012-13/122-2012/296 dated 16/08/20112 by enclosing all details. It is further submitted that the Appellant had filed two separate First Appeals pertaining to the same matter and pursuant to the directions of the FAA all point wise information was submitted to the Appellant.
9. The Respondent PIO submits a written declaration confirming the facts and stating that the information furnished to the Appellant was point wise and was true and correct in all respects as available in the records while requesting the commission to dispose this long pending appeal.



10. The Commission has perused the material on record including the reply of the Appellant dated 02/09/14, the reply of the Respondent 19/01/2015, the contents of the handwritten Appeal Memo and the written declaration dated 21/07/2016 filed by the Respondent PIO and observes that the Respondents have furnished information although the Appellant is not satisfied with the same and is alleging that knowingly the Respondent had given incorrect, incomplete and misleading information.
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. The PIO is not authorized to give any information which is non-existent nor can he create or analyze the information correctly as per the whims and fancies of the Appellant.
12. The P.I.O cannot manufacture information” as opined by the Hon'ble Bench of Mumbai High Court at Panaji in the case of Dr. Celsa Pinto Vs. State Information Commissioner, Goa. Further, the R.T.I. Act meant for bringing transparency in Governance and pertains to the public affairs of the Public Authority and the redressal of personal grievances and its subsequent enquiry does not strictly fall within the ambit of the R.T.I. Act – 2005.
13. It is not a case where the PIO has denied the request for information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, besides the Appellant has also not furnished any proof in support of his claim that the Respondents have knowingly given incorrect, incomplete or misleading information. The Commission comes to the conclusion that Respondent P.I.O has not violated any provision of the R.T.I. Act-2005.

The Appeal being devoid of any merit accordingly stands dismissed. All proceedings in Appeal case also stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

sdt

(Juino De Souza)
State Information Commissioner

