

# GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

APPEAL No.137/2015

Atchut V. S. Bandio,  
B-2, SBI Colony,  
Alto-Torda,  
Porvorim Goa.

..... Appellant

## V/s.

1. Shri Srinet N. Kothwale,  
Member Secretary (GCZMA),  
Goa Coastal Zone Management Authority,  
3<sup>rd</sup> floor Dempo Tower, Patto Panaji Goa.

2. Shri Sanjeev S. Joglekar,  
SPIO, Goa Coastal Zone Management Authority,  
3<sup>rd</sup> floor Dempo Tower, Patto Panaji Goa.

..... Respondents

## CORAM:

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on: 26/10/2015**

**Decided on:14/09/2017**

## ORDER

1. The appellant, Shri Atchut Bandio submitted an application on 28/8/15 under the Right To Information Act, 2005 seeking certain information as stated therein in the said application from the Public Information Officer (PIO) of Goa State Coastal Zone Management Authority, Panaji, Goa on five points under section 6 (1) of the RTI Act 2005.
2. The said application dated 28/8/15 was responded by the Respondent no. 2 PIO on 22/9/15 thereby furnishing information at point no.1. The other information was rejected on the ground that it was not coming within the definition of "information "
3. The appellant being not satisfied with the reply of Respondent no.2 PIO, filed first appeal on 5/10/15 before the member secretary being appellate authority who is the Respondent no. 1 herein .

4. The Respondent no.1 FAA dismissed the said appeal vide order dated 13/10/15 by upholding the say of PIO and also coming to the conclusion that information sought by the appellant is not available on the records of the office . The said order was passed by the FAA after hearing the parties .
5. Being aggrieved by the order of the Respondent no. 2 FAA dated 13/10/15 the appellant approached this commission by way of this present appeal on 26/10/15 with the prayer primarily for furnishing him information at point no.1 .
6. In pursuant to the notice of this Commission, appellant opted to remain absent. On behalf of Respondent no.2 PIO Bhaskar shinde appeared
7. During the hearing before this commission representative PIO submitted that the information sought by the appellant is not available and showed his desire to send whatever information available in their records to the appellant by registered AD/ speed post .Accordingly the representative of the PIO filed on record on 21/8/17 compliance report duly signed by PIO of having furnished the information to the appellant. The copy of the forwarding letter dated 7/8/17 by which the said information was provided / sent was also enclosed to the said reply/compliance report The copy of the same could not be furnished to the appellant on account of his continuous absence. On subsequent date of hearing the representative of PIO also placed on record the Xerox copy of the acknowledgment card of the postal authority of appellant having received the said information .
8. I have perused the available records in the file. On perusing the letter of PIO dated 7/8/17 addressed to the appellant , it is seen that the all the queries of the appellant have been duly replied and answered by the Respondent and whatever information was available with them have been provided .

9. Hon'ble supreme Court in "**Central Board of Secondary Education and another V/s Aditya Bandopadhyay and Others (Civil Appeal No. 6454 of 2011)**", while dealing with the extent of information under the Act at para 35 has observed:

*" At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the act. **If a public authority has any information in the form of data or analyzed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."***

10. Yet in another decision Hon'ble High Court of Bombay at Goa in the case of **Dr. Celsa Pinto V/s. The Goa State Information Commission and another, reported in 2008(110)Bombay L.R.1238** at relevant para 8 has held

“ The definition of information cannot include within its fold answers to the question why which would be same thing as asking a reason for a Justification for a particular thing, The Public information authorities cannot be expected to communicate to the citizens the reasons why a certain thing was done or not done in the sence of justification because the citizen makes a requisition about information justifications are matters within the domain of adjudicating authorities and cannot properly be classified as information .

11. By applying the same ratio to the present Appeal, I find that since the information sought by appellant under section 6(1) of the act vide his application dated 15/9/14 is not available, the same cannot be directed to be furnished. In other words where the information is sought is not a part of public authority, The PIO is not required to furnish the information which is not available or which requires drawing of inferences and/or making of assumptions .
12. As section 2 (f) of the Act only refers to such material available in the records of the public authority Hence I find no irregularity or perversity in the reply of PIO or in the order of the first appellate authority. Consequently I are declined to grant prayer (11) of the present appeal.
13. Since the appellant has not come out with any grievances with regards the information furnished to him on 7/8/2017 by register post, I perused that he is satisfied with the same.

The appeal disposed accordingly proceedings stands closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

**(Ms. Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa