

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

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**Appeal No. 68/2017**

Shri Pramod Ramchandra Rathi,  
Flat No. G-3, Mauli,  
Shantivan Complex Housing Society,  
Bandora, Ponda Goa .

.....Appellant

**V/s.**

1. Public Information Officer  
Sub-Division Police officer,  
Ponda –Goa .

2. First Appellate Authority,  
Superintendent of Police,  
South Goa District,  
Margao Goa.

..... Respondent

**CORAM:**

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

**Filed on: 31/05/2017**

**Decided on: 20/09/2017**

**ORDER**

- 1 Fact in brief arising in the present appeal is are as under:
- 2 The appellant Shri Pramod Rathi by his application dated 9/3/17 filed u/s 6 (1) of RTI Act sought from Respondent No. 1 PIO of office of the sub-division police officer ,Ponda ,Goa certain information on 5 point as stated therein in the said application .
- 3 The said application was responded by Respondent No. 1 PIO on 16/3/17 thereby denying the information to him on the ground that said was not coming within the definition of section 2(f) of RTI Act, 2005.
- 4 Being not satisfied with the reply given by Respondent No.. 1 PIO , the appellant filed first appeal on 22/3/17 u/s 19(1) before Superintendent of Police Margao, being First Appellate Authority

who is the Respondent No. 2 herein. and the Respondent no. 2 FAA by an order dated 19/4/17 disposed the said appeal by upholding the say of Respondent No. 1 PIO .

5 Being aggrieved by the decision of the respondent No. 2 First appellate authority dated 19/4/17, the appellant approached this commission by way of second appeal on 31/5/17 with a prayer for providing him information as sought by him vide his request dated 9/3/17 and for cost.

6 In pursuant to the notice of this commission , the appellant was represented by Raghuvir V.S. Verde Respondent No. 1 PIO D.Y.S.P. Mrs Sunita sawant was present. Respondent No. 2 was represented by P.I . Shri Sudesh Naik.

7 Respondent PIO filed the reply on 18/9/2017 alongwith the annexures. Vide said reply the respondent NO. 1 PIO contended that the information was denied to the appellant being not covered u/s 2(f). The copy of the reply was furnished to the appellant.

8 Appellant filed written arguments of 18/9/2017. Oral arguments were also advanced by both the parties.

9 I have perused the records available in the file and also duly considered the arguments of both the parties . On perusal of the application u/s section 6 , it is seen that appellant at point no 1 to 4 has raised certain queries and sought about the provisions of law under which certain acts could be done or not done by police and at point 5 he had sought information about the action taken on his complaint dated 29/12/14 .

10 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 misconception about the RTI Act . The RTI Act provides access to all information that is available and existing . This is clear from the combined reading of section 3 and the definition of “information ” and “right to information ”under clause (f) and (j) of section 2 of the Act. If the public authority has any information in the form of data or analysed 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.”

11. 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 sense 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” .

12. The Apex court in case of Peoples Union for Civil Liberties V/s Union of India; AIR 2004 Supreme Court 1442 has held “under the provisions of RTI Act of Public Authority is having an obligation to provide such information which is recorded and stored but not thinking process which transpired in the mind of authority which an passed an order”.
13. By applying the same ratio to the present appeal, I find that information sought by the appellant in the form of opinion and queries does not come within the perview of definition of information. Hence, I find no irregularity or perversity in the reply of PIO or in the order of First appellate authority.
14. However on the perusal of the query at point no. 5 putforth by the appellant in his application u/s 6(1) of the Act if carefully analysed shows that information seeker wants to know whether any action was taken on his complaint. In such circumstances I feels ends of justice will meet with following directions

**Order**

The PIO is hereby directed to verify from the Officer incharge of Ponda Police Station whether the investigation/ inquires pertaining to said complaint dated 29/12/14 is concluded or not and also to call from Ponda Police Station the status report/ Action taken report pertaining to his complaint dated 29/12/14 and to furnish the same to the appellant.

The appeal is 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

Ak/-