

GOA STATE INFORMATION COMMISSION
Kamat Tower, Seventh Floor, Patto Panaji-Goa
CORAM: **Smt. Pratima K. Vernekar, State Information Commissioner.**

Appeal No. 109/2015

Diana Tavares
Block C-2 Leandra Haritage
Opposite KTC Bus stand
Madel, Margao

.....**Appellant.**

V/s.

1. Public Information Officer (PIO),
Town & Country Planning Department,
Panaji Goa.
2. The First Appellate Authority (FAA),
Town and Country Planning Department (HQ),
Panaji, Goa.

....**Respondents.**

Appeal filed on: 8/10/2015

Decided on: 17/04/2017

ORDER

1. Appellant herein Ms. Diana Tavares vide her application dated 24/04/2015, sought information with regards to Eco-Tourism Policy, Regional Plan 2021 on 2 points as stated there in in the said application for the period from 1/01/2008 till 24/04/2015 from PIO, Office of Chief Town Planner, TCP Department, Patto Plaza, Panaji-Goa. The said application was complete in all respect.
2. The Respondent No. 1 Public Information Officer (PIO) vide his letter dated 19/05/2015 informed the appellant that "The Eco-Tourism Policy" is part of Regional Plan for Goa 2021 published by Government. And as such it is not possible to specifically pin point and locate the documents requested by her.
3. Being not satisfied with the reply of the Respondent No. 1 PIO the Appellant preferred 1st appeal before Sr. Town Planner being First Appellate Authority (FAA) and the Respondent No. 2 FAA vide its order dated 9/11/2015 was pleased to dismissed the appeal of the Appellant.
4. Being aggrieved by action of both the Respondents the present appeal came to be filed before this Commission on 4/10/2015 with the prayer to provide him requested information free of cost and for invoking penal provision.

5. In pursuant to the notice the appellant appeared in person Respondent PIO Shri M. K. Shrikant present and filed his reply on 17/04/2017 incorporating the same fact as stated by him in his reply under section 7(1) of the Right to Information Act (RTI Act).
6. During course of hearing the appellant submitted that, she is willing to assist PIO by visiting their office and by taking inspection of the records and also willing to pay the required fees for obtaining the certified copies of the relevant documents.
7. I have perused the records available in the files including the replies of the PIO. It is seen from the records that no clear and complete and pointwise information given to the Appellant by the Respondent PIO.
8. The Hon'ble high Court of Allahabad while deciding the writ number 45252 of 2005, Praveen Varma V/s Hon'ble High Court of judicator reported in 2008 (1) RTI 137 has discussed ambit and scope of section 3, 4, and 6 and has held that "the disclosure of information in regards to the functioning of Government must be the rules and secrecy an exception.
9. The Appellant in the present case has sought information pertaining to Eco-tourism Policy, Regional Plan 2021. The Respondent have ought to have specifically replied and ought to have informed appellant whether the information pertaining to his two points are available with them or not.
10. PIO is a designated person of the Department who is responsible to ensure to the compliance of RTI act and felicitate the information seeker in obtaining the information and is under obligation to render all the assistance to the information seeker. Sum and substance 5 of the RTI Act is that every PIO should extend all reasonable assistance in making information available rather than putting in hurdles in different ways.
11. Since the information sought is voluminous in nature, I feel the ends of justice will meet with the direction to the Appellant to visit the Office of Respondent PIO and to carry out the inspection first. And then to seek the relevant documents after identifying the same. The Respondent No. 1 PIO is directed to inform estimated cost of the same to the appellant and after depositing the necessary fees, the documents should be furnished to the appellant within 15 days thereafter

12. The Respondent submitted that he has to take the Assistant of staff of Regional Plan Cell for doing the needful. The convenient date for inspection should be mutually fixed by the PIO and appellant.
13. The PIO is hereby directed to cooperate with Appellant and to make available the relevent files for inspection as the very intent of Act is to bring transparency in Government functioning.
14. Matter fixed for compliance report from both the parties on 16/05/2017.

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 open court.

Sd/-
(Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

final