

**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. 289/2018/SIC-II**

Peter Paul D'Souza,  
H.No. 63/2,  
Mainath Bhatti Vaddo,  
Arpora, Bardez, Goa – 403 516

**..... Appellant**

**v/s**

1. Public Information Officer,  
The Secretary,  
Village Panchayat of Arpora-Nagoa,  
Bardez, Goa – 403 516

2. First Appellate Authority,  
The Block Development Officer–II,  
Government Complex,  
Mapusa, Bardez – Goa.

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing : 31-01-2019**

**Date of Decision: 31-01-2019**

**ORDER**

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 16/08/2018 addressed to the PIO, Secretary, Village Panchayat Arpora-Nagoa, Bardez-Goa sought certain information under section 6(1) of RTI Act, 2005 regarding reply to memorandum bearing ref. No.1/ADM/BDO-BAR/Hum.Rts/2017-18 dated 23/03/2018. The appellant is seeking information of certified copy of a Memorandum bearing No.3-EOVP-I/BDO-BAR/Memor/2016-17, based on which the site inspection was also issued as per the direction of Block Development officer II"
2. The PIO vide 7 (1) sent a letter No. VP/AN/RTI/2018-19/1246 dated 10/10/2018 and furnished the information by enclosing certified copy of Memorandum No.3-EOVP-I/BDO-BAR/MEMOR/2016-17/671 dated 12/05/2016 along with enclosure of a letter from Redstone Spaces dated 04/05/2016

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3. Not satisfied with the information furnished, the Appellant filed a First Appeal dated 03/10/2018 and the First Appellate Authority (FAA) by an order dated 05/11/2018 disposed off the First Appeal by holding that as per the RTI Act, the information can only be furnished on as is available basis. The FAA opined thus: 'Considering the circumstances in the present case, the respondent is directed to search through his office records and furnish the information to the appellant, in case the same is existing in his office, within ten days from the receipt of this Order, free of cost. In case the same is not existing, then inform the Appellant clearly that the information sought is not existing'.
4. Being aggrieved that despite the Order of First Appellate Authority, the PIO has not furnished correct information, the Appellant filed a Second Appeal on 29/11/2018, and has prayed that information as requested be furnished free of cost and for penalty, compensation and other reliefs.
5. **HEARING:** During the hearing the Appellant is present in person. The Respondent PIO is absent. The FAA is represented by Shri Shailendra Shet, Field Asstt. Working with the public authority.
6. **SUBMISSIONS:** The Appellant submits that the information furnished by the PIO is incorrect and that he had sought certified copy of Memorandum No.3-EOVP-I/BDO-BAR/MEMOR/2016-17 and what is furnished Memorandum No.3-EOVP-I/BDO-BAR/MEMOR/2016-17/671 dated 12/05/2016. The Appellant further submits that in the Human Rights Commission, the PIO had stated that the notices under section 82 of the Goa Panchayat Raj Act were issued to Shri Peter Paul de Souza based on the Memorandum on which information was sought.
7. **FINDINGS:** The Commission after hearing the Appellant and perusing the records finds that the Appellant had sought certified copy of the Memorandum bearing No.3-EOVP-I/BDO-BAR/MEMOR/2016-17 and the PIO vide letter dated 10/10/2018 has furnished a certified copy of Memorandum No.3-EOVP-I/BDO-BAR/MEMOR/2016-17/671 dated 12/05/2016.

8. **DECISION**: As stipulated in the RTI Act, the role of the PIO is to provide information as is available, how is available, what is available and if available from the records. The PIO is not called upon to analyze information or create information to satisfy the whims and fancies of the Appellant. The very fact that the certified copy of the memorandum Memorandum No.3-EOVP-I/BDO-BAR/MEMOR/2016-17/671 dated 12/05/2016 has been furnished by the PIO, it is sufficient to prove the bonafide that there is no malafide intention on the part of the PIO to conceal or deny or furnish incorrect information, thus the PIO cannot be faulted in any way.
9. The Commission observes that the submission made by the Appellant regarding the statement made by the PIO to the Human Rights Commission cannot be addressed in the present case as the same is beyond the scope and jurisdiction of the Commission.

**No intervention is required with the order of the First Appellate Authority.**

10. **DIRECTIONS**: The Commission accordingly directs the PIO to search the office records once again for the memorandum bearing No.3-EOVP-I/BDO-BAR/MEMOR/2016-17 and if the same is available, then to furnish the same to the appellant. In case the said memorandum is not in existence, then the PIO will inform the Appellant accordingly by stating that the certified copy of Memorandum No.3-EOVP-I/BDO-BAR/MEMOR/2016-17/671 dated 12/05/2016 furnished is the correct information as available in the records. The Respondent PIO will complete the directions within 20 working days of the receipt of this order and also file a Compliance report in the Commission.

**With these directions the Appeal case stand disposed.**

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.

Sd/-  
**(Juino De Souza)**  
**State Information Commissioner**