

**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: 109/2018/SIC-II**

Jawaharlal T. Shetye  
H.No. 35/A, Ward No. 11,  
Khorlim, Mapusa,  
Goa – 403 507

**..... Appellant**

**v/s**

1. Public Information Officer,  
The Secretary,  
Village Panchayat, Siolim-Marna,  
Siolim, Bardez, Goa- 403 517.
2. First Appellate Authority,  
Block Development Officer-II,  
Mapusa, Bardez, Goa - 403507.

**.... Respondents**

**Relevant emerging dates:**

**Date of Hearing : 06-03-2019**

**Date of Decision : 06-03-2019**

**ORDER**

1. **Brief facts of the case** are that the Appellant vide an RTI application dated on 15/01/2018 sought certain information u/s 6(1) of the RTTI act 2005 from the Respondent PIO, O/o Village Panchayat, Siolim, Marna Bardez-Goa by enclosing a photocopy of a letter No.V.P.S.M./17-18/2370 dated 02/01/2018 made to one Mrs. Fatima Fernandes by the Sarpanch of V.P. Siolim Marna with regards to the illegal activities in property bearing Sy. No.326/2, 3 situated at Wadi Siolim Bardez-Goa.
2. The Appellant is *inter alia* seeking to furnish the certified copy of the Complaint received from Maurice D'Mello r/o Ansabhat Mapusa Goa regarding illegal activities in property bearing Sy.No. 326/2, 3 situated at Wadi, Siolim, Goa from the record books and to furnish certified copy of the minutes of the monthly meeting dated 28/12/2017 and also to furnish certified copy of the proceeding sheets/Roznama sheet with regards to the hearing of the matter of illegal activities held on 09/01/2018 and other such related information.

3. It is seen that the PIO as per section 7(1) vide reply No.V.P. S.M./17-18/2544 dated 29/01/2018 has furnished the information on all four points. However with respect to information at point No.3, the PIO has stated that the said information is not traceable.
4. Not satisfied with the reply of the PIO with regard to point No.3, the Appellant filed the First Appeal on 12/02/2018 and the First Appellate Authority (FAA) vide an Order dated 16/03/2018 directed the Respondent PIO to furnish correct information as sought by the Appellant with regard to point No.3
5. Being aggrieved despite the direction of the FAA, the PIO has not furnished the information at point No. 3, the Appellant has subsequently filed a Second Appeal registered on 04/05/2018 and has prayed to direct the Respondent PIO to comply with the Order of the First Appellate Authority (FAA) and for penalty disciplinary action and other such reliefs.
6. **HEARING:** This matter has come up for hearing before the Commission on five previous occasions and hence it is taken up for final disposal. During the hearing the Appellant Shri Jawaharlal T. Shetye is absent. The Respondent PIO is represented by Adv. S. Sangale.
7. **SUBMISSIONS:** At the outset the Adv S. Sangale for the Respondent PIO submits that the information at point No.3 could not be furnished as the same was not available since the PIO has not conducted any such hearing and hence there are no records of the same on the Roznama and proceeding sheet.
8. It is further submitted that the Sarpanch not only governs the Village Panchayat but also acts as a mediator in cases of disputes between its subjects and tries to settle such disputes amicably and that the information sought by the Appellant was about one such meeting conducted by the Sarpanch and there is no record of such information as the same is never maintained in the records of the Panchayat.

9. Adv S. Sangale further submits that neither the Sarpanch nor the Secretary writes any proceeding sheet /roznama of such meetings as there is no provision contemplated under the Goa Panchayat Raj Act and hence the information sought could not be furnished and this was accordingly intimated to the Appellant as not traceable. Adv S. Sangale furnishes an Affidavit dated 06/03/2019 filed by the PIO confirming the facts which is taken on record by the Commission.
10. **FINDINGS**: The grievance of the appellant is only with respect to information at point no 3 of the RTI application which has not been furnished. In this context the Commission finds that as the meeting conducted by the Sarpanch was merely to settle the disputes between the parties amicably and that that minutes of such meetings are never recorded in the Roznama and Proceeding sheet as there is no provision under the Goa Panchayat Raj Act, therefore the said information could not be furnished by the PIO as the same was not available.
11. **CONCLUSION / DECISION**: As stipulated in the RTI Act, the role of the PIO is to provide information as is available and if available from the records. The PIO is not called upon to do research or to analyze or create information to satisfy the whims and fancies of the Appellant. The very fact that the PIO had intimated to the Appellant vide letter dated 29/01/2018 that the information at point no 3 is not traceable is sufficient proof of bonafide that there is no malafide intention on part of the PIO to intentionally deny or delay the information. The Commission therefore comes to the conclusion that the PIO has not faulted in any way and in view of the Affidavit filed confirming that information at point no 3 is not available, nothing further survives in the Appeal which accordingly stands disposed.

All proceedings in the Appeal case 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.

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

