

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No: 49/2019/SIC-II

Mr. Joquim Dias,
H. No. 98(B), Duncolim,
Seraulim – Salcete, Goa. 403 708

..... Appellant

v/s
Public Information Officer ,
The Secretary,
Village Panchayat Seraulim, Salcete Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 20-06-2019

Date of Decision : 20-06-2019

O R D E R

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 16/09/2018, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, Secretary, Village Panchayat of Seraulim, Salcete-Goa.
2. The information pertains to a) to provide the House Number wise details of all the existing structures, the residential, commercial or structures build for any other purpose within the village of Seraulim in column form b) To provide details of all Trade tax Licenses issued or are in force within the jurisdiction of Village Panchayat of Seraulim. And c) to provide the details of all the licenses issued for operating Carts including movable and non movable carts. Appellant in the RTI Application has asked for the above information in the prescribed format till date i.e 16/09/2018. The Appellant has sought the information from the date of inception. The Appellant is also seeking that the PIO should supply the information in a particular order as per his own format which is specified in the application.
3. PIO vide reply ref. No. VP/S/2018-2019/606 dated 09/12/2018 informed the Appellant to grant more time to furnish the required information as per mentioned in the RTI Application due to audit and work load of public services of the Village Panchayat. ...2

4. Not satisfied with the reply, the Appellant filed a First Appeal and the First Appellate Authority (FAA) vide an Order dated 14/12/2018 directed the Respondent PIO to furnish information from point No.(a) to (c) within 15 days. It is seen thereafter that PIO vide letter No. VP/S/667/2018-19 dated 11/12/2018 has furnished 200 copies of information documents on all points in Form No. 8 regarding House tax/ trade tax register copies from 1973 till date i.e 16/09/2018 of Seraulim village.
5. Being aggrieved that copies of information furnished is incomplete does not show all the houses in the Panchayat jurisdiction, the Appellant filed a Second Appeal u/s 19(3) of the RTI act 2005 before the Commission registered on 26/02/2019 and has prayed that necessary direction be issued to the Respondent PIO to provide the said information to the Appellant and for penalty and other reliefs.
6. **HEARING:** During the hearing the Appellant is absent, however he has sent a letter for the postponement of the hearing. The Respondent PIO, Mrs. Priscilla Niasso is present in person. She objects to the letter of postponement by the Appellant on the ground that the information as was available has been furnished and that the Appellant is by seeking postponement is trying to delay the matter. The Commission agrees with the view of the Respondent PIO and rejects the request of the Appellant for postponement of the case and instructs the PIO to proceed with the submissions.
7. **SUBMISSIONS:** The PIO submits that pursuant to the directions of the First Appellate Authority (FAA) the information as was available was provided to the Appellant vide letter No. VP/S/667/2018-19 dated 11/12/2018 wherein 200 copies of the information documents were furnished to the Appellant which includes Form No. 8 containing the house tax/ trade tax till date i.e 16/09/2018 free of cost.

8. The PIO further submits that there are illegal structures and also illegal movable and unmovable carts which are not registered with the Village Panchayat of Seraulim and no record of such illegal structures is maintained by the Panchayat and thus there is no information available. The PIO points out to a earlier reply dated 18/04/2019 confirming the facts which is already on record.
9. **FINDING:** The Commission after perusing the material on record and after hearing the submissions of the PIO finds that pursuant to the order of the FAA dated 14/12/2018, the PIO has furnished all information vide letter No. VP/S/667/2018-19 dated 11/12/2018 on points a)b) & c) of the RTI application dated 16/09/2018, in Form No. 8 containing the House tax/ trade tax register copies till date i.e 16/09/2018 of Seraulim village. As stipulated in the RTI Act, the role of the PIO is to provide information as is available in the records. The PIO is not called upon to create some information or to do research or to analyze information so as to satisfy the whims and fancies of the Appellant.
10. **DECISION:** The very fact that the PIO has furnished 200 copies of documents i.e house tax, trade tax, in form no.8 is sufficient to prove the bonafide and that there are no malafide intentions on part of the PIO to either deny or conceal information. Also the PIO cannot be called upon to furnish information on illegal structures and the carts which are not registered with the Village Panchayat. It is also not mandatory for the PIO to supply information as per the format prepared by the Appellant.

The Appeal case is devoid of any merit and accordingly stands dismissed.

All proceedings in Appeal case stands 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