

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

**Shri Prashant S. P. Tendolkar,**  
State Chief Information Commissioner

**Appeal No.09/2019/CIC**

Shri Jawaharlal T. Shetye,  
H. No. 35/A, Ward No. 11,  
Khorlim, Mapusa Goa  
403507.

Appellant

V/s

1)The Public Information Officer,  
Additional Director  
Department of Urban Development  
Dempo Towers, Patto,  
Panaji - Goa 403001

2)The First Appellate Authority,  
The Director,  
Department of Urban Development  
Dempo Towers, Patto,  
Panaji – Goa.

Respondents.

Filed on : 14/01/2019

Decided on:09/07/2019.

## **O R D E R**

1) In the course of hearing of the above appeal, the appellant has not dispute that application was decided within the stipulated time. The grievance of the appellant was two fold. Firstly that the information was not furnished in tabular form and that in respect of point (2) there was no mention of any list furnished by Mapusa Municipal Council. Hence these two objections are required to be dealt with herein.

2) It is to be noted that section 7(9) of the Right to Information Act 2005 (Act) the information is required to be furnished in the format as is sought subject to the proviso. The

Sd/-

...2/-

appellant's application u/s 6(1) is not found in Tabular form but in a general narrative style. Hence I find no force in the submission that the information ought to have been furnished in a particular format.

Be that as it may the PIO on 28/06/2017 has filed additional copy of information in Tabular form hence the said controversy does not survive now.

- 3) To the submission of the appellant that in respect of point (2) the information as furnished does not contain anything regarding the Mapusa Municipal Council, it is the contention of PIO, Shri Ramesh Naik that as on the concerned date, Mapusa Municipal Council had not filed any list and that other Municipalities had filed the same. According to him as there was no list of contract workers submitted by Mapusa Municipality then, there was no question of furnishing the same.
- 4) In view of the non existence of information the PIO was directed to prove the said fact on an affidavit. Accordingly on 02/07/2019 filed affidavit. On perusal of the said affidavit, more particularly para (4) thereof, it is avered that in respect of point 2 of the application the information is not available as no list of contract workers was filed by Mapusa Municipal Council. The above averment supports the contention of PIO that the information relating to Mapusa Municipal Council is not available with the respondent Authority.
- 5) Considering the non existence of the information I am of the opinion that any order, if passed would be infructuous and unexecutable. I am fortified in adopting the above view on the bases of ratio laid down by the Hon'ble Apex Court in the case of **Central Board of Secondary**

Sd/-

...3/-

**Education & another V/s Aditya Bandopadhay** (Civil Appeal no.6454 of 2011) at para 35 as under:

*“35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a 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, the Act does not cast an obligation upon 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 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*

Sd/-

...4/-

*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.”,*

6) In the above circumstances and considering the fact that nothing more remains to be decided in this appeal, present appeal is required to be disposed accordingly.

This appeal thus stands dismissed being redundant.

Copies of this order be sent to parties.

Proceedings closed.

Sd/-

**(Shri. P. S.P. Tendolkar)**

Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa