

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

**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No.137/2017**

Shri Jawaharlal T. Shetye  
H/No. 35/A, Ward No. II,  
Near Sateri Temple,  
Khorlim – Mapusa – Goa. 403 507

**..... Appellant**

**v/s**

- 1.The Public Information Officer,  
Mapusa Municipal Council,  
Mapusa – Goa.
- 2.The First Appellate Authority,  
The Chief Officer (Mr. Clen Madeira).  
Mapusa Municipal Council,  
Mapusa – Goa.

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing: 12-03-2019**

**Date of Decision: 12-03-2019**

**ORDER**

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 23/02/2017 sought certain information under section 6(1) of the RTI Act from the Respondent PIO Mapusa Municipal Council, Mapusa–Goa by enclosing photo copy of a representation letter dated 18/10/2016 requesting to lodge a Police Compliant /FIR with Mapusa Police Station regarding not traceable information/document as informed by the PIO Mr. Uday Salkar vide his RTI reply No.EST/8508/2016 dated 07/10/2016.
2. The Appellant is *inter alia* seeking the information of the Action taken on the representation dated 18/10/2016 and to furnish Complete file, notings and copies of correspondence processing and to furnish the names and designations of official and the present status/progress of above referred representation dated 18/10/2016 and to furnish the name and the designation of the said concerned staff and other such related information.

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3. It is the case of the Appellant that the PIO has not furnished any information nor reply and as such the Appellant filed a First Appeal on 24/04/2017 and that the First Appellate Authority (FAA) after conducting five hearings passed an Order on the Roznama sheet on 28/06/2017 directing the PIO to furnish the information /reply to the RTI application within 10 days free of cost.
4. Being aggrieved that the PIO has not complied with the Order dated 28/06/2017 of the First Appellate Authority (FAA) and has not furnished any information, the Appellant thereafter has approached the Commission by way of a Second Appeal registered on 07/09/2017 and has prayed to direct the Respondent PIO to furnish correct and complete information as per the RTI application dated 23/02/2017 and for penalty, disciplinary action, Compensation and other such reliefs including directing the Public Authority to take immediate steps for implementation of the provision section 4(1)(a) and 4(1)(b) of the RTI Act 2005.
5. **HEARING:** This matter has come up before the Commission on several previous occasion and thus taken up for final disposal. During the hearing the Appellant is absent. The Respondent PIO is represented by Adv. Matlock D'Souza who undertakes to file Vakalatnama.
6. **SUBMISSIONS:** Adv. M. D'Souza submits that pursuant to the Order dated 28/06/2017 of the First Appellate Authority (FAA), the PIO has vide letter No.EST/RTI/4515/2018 dated 02/07/2018 furnished information on all five points in tabulation form. It is submitted that there was no action taken by the public authority against the above referred representation of the Appellant dated 18/10/2016 and since no action was taken there is no information available regarding certified copy of notings, correspondence, etc.

7. It is further submitted that the representation was filed against the then PIO, Shri Uday Salkar who had furnished reply to the RTI application dated 08/09/2016 by stating that information is not available and not traceable and that since the said PIO, Shri Uday Salkar has since retired from service, therefore the present status of the said representation is pending and as such the information is not available. Adv. M. D'Souza finally submits that whatever information was available has been furnished and requests the Commission to dispose off the matter.
8. **FINDINGS**: The Commission on perusal of the material on record and after hearing the submission of Adv. M. D'Souza finds that indeed the PIO has complied with the Order dated 28/06/2017 of the FAA and that vide reply dated 02/07/2018 has furnished information as was available in Tabulation form by also enclosing the copies of documents at point no 3.
9. The PIO in his reply dated 02/07/2018 has stated that with regard to point No.1 no action has been taken. With regard to point No.2, it is stated that since no action has been taken the certified copies of noting/correspondence cannot be furnished. With regard to point No. 3, it was informed to refer to earlier reply vide No. EST/8508/2016 dated 17/10/2016 wherein the then PIO clearly informed at serial No. 1 to 4 i.e. no records are available in this and earlier then PIO has furnished the information with documents from serial no.9,11,13,14 & 15, however copies of said documents along with letter dated 14/06/2017 is enclosed information. With regard to point No.4, it is stated that since the representation filed against then PIO Mr. Uday Salkar to his RTI reply No. EST/8508/2016 dated 07/10/2016 and he was retired the present status of the said representation is pending and With regard to point no 5, it is stated that since the present status of the said representation is pending with the earlier PIO, however the entire information cannot be furnished.

10. **CONCLUSION / DECISION**: As stipulated in the RTI Act the role of the PIO is to furnish information as is available, how is available, what is available and if available. The PIO is not called upon to create the information or to do research. Regrettably the PIO cannot procure information for the satisfaction of the Appellant. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. It means that the Public Information Officer is required to supply the 'material' in the form as held by the public authority and not to do research or analyze information on behalf of the citizen to deduce anything from the material and then supply it to him.
  
11. The very fact that the PIO has furnished information in tabulation form vide reply dated 02/07/2018 is sufficient to prove the bonafide that there is no malafide intentions on the part of the PIO either to conceal or deny the information. As information whatever is available has been furnished and further in view that the PIO has complied with the Order dated 28/06/2017 of the First Appellate Authority (FAA), Nothing further survives in the Appeal Case which accordingly stands disposed.

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**