

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

CORAM: Shri Juino De Souza: State Information Commissioner

Complaint No.43/2018/SIC-II

Shri. Sadanand Narvekar,
R/o House No.7/25,
Sautavaddo, Calangute, Bardez-Goa.

...Complainant

v/s

1. Public Information Officer,
Dy. Conservator of Forests,
Office of the Dy. Collector of Forests,
North Goa Division, Ponda Goa.

..... Opponent

Relevant emerging dates:

Date of Hearing : 05-02-2019

Date of Decision: 05-02-2019

ORDER

1. **Brief facts of the case** are that the Complainant Shri. Sadanand Narvekar vide an RTI application dated 29/01/2018, addressed to the PIO, Dy. Conservator of Forest, North Goa Division, Ponda- Goa sought certain information on six points under section 6(1) of RTI Act.
2. The Complainant *inter alia* is seeking information as follows: In Point no 1. How many trees and what kind of trees are permitted and for what reason permission was granted by the Tree Officer to cut down the said trees in above said property, survey No.186/52, at village Assagao? In point No.2. After receiving application dated 09/10/2017, inward No.2496, for cutting of trees, in property Survey No.186/52 at Village Panchayat, Tree Officer conducted site inspection as per section 9(2) of the Goa Daman and Diu preservation of tree act 1984? If yes, Please furnish inspection report.; In point No.3. The permission granted for cutting of trees, in property survey No.186/52 at Village Assagao, because said trees dangerous and about to fall on existing house? If yes,, please furnish details, with the distance between existing House walls and permitted Trees, for cutting; Point No.4 Detailed information, in what way, the chopped trees, in property survey No.186/52 at village Assagao, are disposed?

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.....In Point No.5. Detailed information as per section 9 (5) of the Goa Daman and Diu Preservation of Trees Act, 1984 such as charged fees, security deposit amount as per direction of Tree officer, is said Trees cutting area is regenerated, property Survey No.186/52 at Village Assagao and such related information.

- 3.The PIO as per 7 (1) within mandated 30 days period vide letter No./DCFN/RTIA-151/2017-18/320/1804 dated 12/02/2018 furnished the information on all six points in tabulation form. The Complainant not satisfied with the information furnished at point No. 3 & 4, filed a First Appeal dated 05/03/2018 and the First Appellate Authority (FAA) vide his Order dated 22/03/2018 disposed off the said Appeal by directing the PIO to provide the relevant information as far as reply to point at serial No. 3 of the RTI application to the Complainant within seven days.
4. Being aggrieved that despite the Order of the First Appellate Authority the Respondent PIO has furnished information which is incomplete and incorrect with respect to point No.3 & 4. The Appellant thereafter has directly filed a Complaint under Section 18 registered on 02/08/2018 with the Commission and has prayed that the thorough enquiry be conduct under Section 18(2)(3) including inspection of all sites, disciplinary action and other such reliefs and also directed the public authority to pay sum of Rs.25,000/- under Section 19 (8)(b).
5. This matter has come up for hearing on three previous occasions and hence by consent is taken up for final disposal. During the hearing the Complainant Shri. Sadanand Narvekar is present in person. The Respondent PIO is absent however, the APIO, Shri. A.G. Samant, Asst. Conservator of Forest is present in person.
6. The Complainant submits that the information furnished by the Respondent PIO/APIO in respect to point No.3 & 4 is incorrect and that in point No.3 he had asked for permission granted for cutting of trees in property Survey No.186/52 at Village Assagao and the PIO has failed to provide the information.

7. The Complainant further submits that he was aware that the said trees are illegally cut down in collusion with Saw mill owner, forest Officers and Owner of said property and that the Opponent/Respondent is hiding information at point No.3 and so an enquiry under Section 18(2)(3) including inspection of all sites to ascertain the information which Opponent PIO has concealed in a malafide manner should be ordered by the Commission.
8. The Complainant finally submits that it is needed to summon, the proprietor, M/s Shri. Damodar Saw Mill, to examine u/s 18(3)(a) and need to form a Team to conduct site inspection for permission granted for felling Trees area property bearing survey No.186/52.
9. The Respondent APIO per contra submits that pursuant to the receipt of the RTI application dated 29/01/2018 all information was furnished to the Complainant in Tabulation form on all six points.
10. It is further submitted that since the Complainant was not satisfied with the information furnished in Point No.3 & 4, he approached the First Appellate Authority and pursuant to the direction of First Appellate Authority to furnish relevant information with regard to point No.3, the same was furnished vide letter No./DCFN/RTIA-151/2017-18/382 dated 26/03/2018 alongwith enclosures namely forests pass bearing Sr. No.38, 39 and form (f) which is permission to remove and dispose of trees dated 07/11/2017. Thus the APIO submits that all information with regard to point No.3 as is available has been furnished to the Complainant. The APIO furnishes a copy of the said letter dated 26/03/2018 which is taken on record.
11. The Respondent APIO also submits that the Complainant had been informed that if he was not satisfied with the information furnished at point No. 3 & 4 or with other information furnished, he could approach the Office of the PIO and take inspection of the relevant file, however the Complainant never turn up.4

12. The Commission after hearing submission of the respective parties and perusing the material on record finds that the PIO after receipt of the RTI application dated 29/01/2018 furnished the information in Tabulation form vide letter No.7/DCFN/RTIA-151/2017-18/320/1804 dated 12/02/2018 on all six points.
13. It is also seen that the Complainant has filed a First Appeal on 05/03/2018 and the First Appellate Authority (FAA) vide his Order dated 22/03/2018 had directed the PIO to furnish relevant information at point No. 3 and that pursuant to the directions of the FAA, the Respondent APIO has furnished the same vide his letter No./DCFN/RTIA-151/2017-18/382 dated 26/03/2018 alongwith enclosures namely forest pass 38, 39 and Form-F dated 07/11/2017. Thus the Commission finds that the APIO has complied with the direction of First Appellate Authority and has not faulted in any way.
14. 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 in the records. The PIO is not called upon to create some information or do calculation or research or to analyze information so as to satisfy the whims and fancies of the Complainant. The very fact that the information and reply at point No. 3 has been furnished it is sufficient to prove the bonafide that there was no malafide intentions on the part of the PIO either to conceal or deny the information.

The Complaint is devoid of any merit and stands dismissed.

Consequently, the prayer of the Complainant to conduct enquiry under Section 18(2)(3), to take disciplinary action and for compensation are rejected. With these observations all proceedings in Complaint case are 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