

**GOA STATE INFORMATION COMMISSION**

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 112/2022/SIC**

Shri. Menino Furtado,  
H.No. 1378, Damon (West),  
P.O. Raia,  
Salcete-Goa 403720.

-----Appellant

**v/s**

The Secretary/ Public Information Officer,  
Village Panchayat of Raia,  
Salcete-Goa.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 31/05/2021
Application transferred to Directorate of Panchayat	: 09/06/2021
Application transferred to PIO, V.P. Raia	: 11/06/2021
PIO replied on	: Nil
First appeal filed on	: 25/11/2021
First Appellate Authority order passed on	: 30/12/2021
Second appeal received on	: 11/04/2022
Decided on	: 21/11/2022

**ORDER**

1. Being aggrieved by non furnishing of the information sought under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), inspite of the direction from the appellate authority, appellant under Section 19 (3) of the Act filed the second appeal against Respondent Public Information Officer (PIO), Secretary, Village Panchayat of Raia, which came before the Commission on 11/04/2022.
2. The brief details of the appeal, as contended by the appellant are that vide application dated 31/05/2021 he had sought certain information from the office of the Chief Secretary. PIO, Office of the Chief Secretary vide letter dated 09/06/2021 transferred the application to the PIO, Directorate of Panchayat, which was further transferred vide letter dated 11/06/2021 to the PIO, Secretary, Village Panchayat of Raia. Appellant received no reply from the PIO,

Village Panchayat of Raia, hence filed appeal before the First Appellate Authority (FAA), Block Development Officer (B.D.O.). FAA vide order dated 30/12/2021 directed the PIO to furnish the information within 10 days. Being aggrieved by non compliance of the said order by the PIO, appellant approached the Commission.

3. Notice was issued to both the sides and the matter was taken up for hearing. Shri. Prabhakar Kamati, PIO, appeared and filed reply dated 08/06/2022. It is observed that appellant preferred not to appear before the Commission, nor filed any submission during the proceeding. Rule 7 (2) of The Goa State Information Commission (Appeal Procedure) Rules, 2006 allows appellant to opt not to be present for the proceeding. Accordingly, the matter has been heard and decided on merit.
4. Appellant stated vide appeal memo that, the PIO neither replied to his application, nor furnished any information sought by him. Appellant further stated that, FAA, while deciding the first appeal, had directed PIO to furnish the information within 10 days. However, he has not received any information, hence he presses for the information and penal action against the PIO.
5. PIO submitted that, the appellant had sought information pertaining to number of one storied residential houses which have been coming up in the Damon (West) Raia. Based on this little and vague description the appellant has requested for information such as permissions/ approvals/ clearances from the SGPDA or other Government authorities. Appellant has not mentioned any specific details such as house numbers, survey number of the property, owner's names, license numbers. Thus, without the appellant providing specific details and description of the houses that he is referring to, the PIO will not be able to identify and furnish any information.

6. Upon careful perusal of the records of the instant case it is seen that the appellant vide his application had sought for information pertaining to number of one storied houses coming up in the jurisdiction of Village Panchayat of Raia. The said application reads as below:-

"In the last ten years I have been observing that a number of one-storied residential houses have been coming up in the Damon (West) Raia, under the Village Panchayat, Raia. In this connection, I would like to get the following information:

1. Whether these residential houses have the required permission/ approvals / clearance from the SGPDA or other Competent Govt. Authorities. The approvals include land conversions, specific approval plans, payment of the required fees to the Government Treasury, inspection reports of the Government authorities & Panchayat authorities , Health Centre approvals etc. Whether these permissions/ approvals /clearances conform to the present state of these structures. If not, whether revised Plans and clearances have been approved by the competent Govt. Authorities.
2. Whether the fees recovered by the Government authorities, including the Raia Panchayat, conform to the Government regulations, vis-a vis whether there was any leakage in revenue to the Government Treasury.
3. On what basis (formula) does the Raia Panchayat collect the yearly Panchayat Tax on the residential houses in the village? Has this formula being applied uniformly on all the residential houses, whether one, two or three-storied etc.?
4. My concerns are that there should not be any loss of revenue to the Government /Panchayat authorities. Conversely, no amount should be siphoned into the pocket of individuals for favours, bypassing the Government regulations for construction of houses. Kindly confirm. If required, I may be permitted to inspect the files in the Panchayat Office, along with my Advocate on a mutually agreed date and time."

7. Section 6 (1) of the Act provides for appellant to seek information from the PIO.

6. Request for obtaining information.\_\_(1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the

official language of the area in which the application is being made, accompanying such fee as may be prescribed, to\_\_

(a) the Central Public Information Officer or State Public Information Office, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her;

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

The above provision under Section 6 (1) (b) makes it clear that the appellant is required to specify the particulars of the information he is seeking.

8. The appellant under point no. 1 has not referred to any specific house or structure, nor has he given any specific details of the subject matter, based on which PIO can identify and furnish him the information. Also, with reference to point no. 2, 3, and 4 no information as defined under Section 2 (f) of the Act can be identified, hence PIO is not under obligation to furnish any information on point no. 2, 3 and 4.
9. The Commission finds that the appellant has not specified the particulars of the requested information. However, more importantly the Act has enshrined certain responsibilities on the PIO. Section 5 (2) authorises PIO to receive the application from the appellant and further, Section 5 (3) provides for PIO to deal with requests from persons seeking information and render reasonable assistance to the person seeking such information. Meaning, Section 5 (3) of the Act asks PIO to provide for reasonable assistance to the appellant. In the instant case, if the application was vague, PIO was required to provide appellant assistance to get the specific details required to identify and furnish the information sought. It is noted that the PIO failed to comply with Section 5 (3) of the Act.

10. Further, under Section 7 (1) of the Act, PIO is required to respond to the application within the stipulated period of thirty days, and Section 7 (2) of the Act holds that if the PIO fails to give decision on the request for information within the period specified under sub Section (1), the PIO shall be deemed to have refused the request. PIO in the instant case, has not issued any reply to the application of the appellant, hence the Commission holds that the request for the information has been refused by the PIO.
11. Thus, the Commission concludes that even though the application is not specific, PIO has failed to comply with his duty as mandated under Section 5 (3) of the Act and his inaction amounts to deemed refusal under Section 7 (2) of the Act. The said behavior of the PIO results into contravention of Section 7 (1) of the Act and the said action is punishable under the Act. However, this being the first such instance of the said PIO, the Commission is of the opinion that leniency may be shown to him.
12. In the light of above discussion, the Commission concludes that the application dated 31/05/2021 filed by the appellant is not specific as required under Section 6 (1) (b) of the Act, and the appeal based on the said application is devoid of merit, hence the present appeal is disposed as dismissed. However, the appellant shall have the liberty to seek the information from the relevant authority by filing a fresh application as provided under the Act.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

**Sanjay N. Dhavalikar**  
State Information Commissioner  
Goa State Information Commission  
Panaji - Goa