

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Complaint No. 17/2021/SIC

Shri. Ramesh Kerkar,
R/O., H. No. 3/15, Muddawadi,
Saligao, Bardez-Goa, 403511

..... Complainant

v/s

The Public Information Officer
(PIO)/Secretary,
Village Panchayat of Saligao,
Bardez-Goa, 403511

.....Opponent

Filed on : 26/10/2021

Decided on: 29/04/2022

Relevant dates emerging from appeal:

RTI application filed on	: 26/06/2021
PIO replied on	: 24/07/2021
First appeal filed on	: 25/07/2021
FAA order passed on	: 03/09/2021
Second appeal received on	: 26/10/2021

ORDER

1. Aggrieved by non furnishing of the complete and correct information by opponent Public Information Officer (PIO) inspite of directions from the First Appellate Authority (FAA), complainant preferred this complaint under section 18(1) of the Right to Information act, 2005 (hereinafter referred to as the 'Act') before the Commission.
2. Opponent contends that vide application dated 26/06/2021 he sought certain information from the PIO. The information was furnished to him vide three letters, however aggrieved with the nature of the said information, complainant filed appeal before FAA. The appeal was disposed by the FAA with directions to PIO to allow the inspection and furnish the full information. However, the PIO neither allowed the inspection, nor furnished the information to the applicant, hence he filed this complaint praying for the

information as well as penal and disciplinary action against the PIO.

3. Pursuant to the notice, both the parties appeared. PIO filed reply dated 02/12/2021. Complainant stated that the PIO has furnished misleading information on certain points and no action has been initiated on information requested under point no. 1,2,5,7 and 9. Complainant further stated that inspite of clear direction from the FAA, complete information is not yet provided by the PIO to him. Complainant visited the office of PIO, also made phone calls to her, yet no response is received from her. With this, background the complainant prayed for upholding the order of the FAA.
4. PIO stated that information sought by the complainant was furnished vide letter dated 24/07/2021, within the stipulated period. Part information was already furnished to him under earlier applications. Also, complainant has cited wrong inward numbers with respect to 2 points of his application. PIO further stated that as per the directions of the FAA, letter dated 8/09/2021 was issued by PIO to visit her office on 16/09/2021 for inspection, and documents requested by complainant were provided to him vide letter dated 27/10/2021, however he refused to accept the same. By stating this the PIO submitted that she has made all possible attempts to furnish the information, however the complainant has not cooperated with her.
5. Upon perusal of the records it is seen that the Complainant sought information on 9 points, out of which information on 3 points is related to earlier applications of the same applicant and the said information was already furnished to him. Complainant has cited wrong inward number for the information on 2 points, hence the PIO is unable to trace the information under those 2 points. Information on remaining 4 points has been furnished by the PIO within the stipulated period.
6. It is observed by the Commission that the complainant, during the hearing, was not clear and specific on which information he is seeking from the PIO. As mentioned by the PIO, information on 3 points was requested by him earlier vide applications dated 12/02/2021 and 27/02/2021 and the same was furnished, hence the PIO is not required to furnish the same information once again. Further, complainant has sought information under point No. 1, 2, 5, 7 and 9 pertaining to action taken report on different issues and submitted that the PIO has not initiated any action on the same. The complainant is reminded of the fact that the Act does not give

jurisdiction to the Commission to direct the PIO to take action on his representation and then furnish the information. The Act does not require PIO to create information in order to furnish the same to the applicant. Thus, there is no information if there is no action taken by the authority.

7. Complainant contended that some information is not yet furnished by the PIO. However, it is noted that he refused to accept the documents provided by the PIO vide letter dated 27/10/2021, after the inspection undertaken on 16/09/2021. Now the present matter being the Complaint filed under section 18(1), the Commission has no jurisdiction to direct the PIO to furnish the remaining information, if any.
8. With these observations and findings, the Commission concludes that the PIO has furnished the available information to the complainant and the Commission is unable to direct the PIO to furnish the remaining information. Also, there is no need to invoke section 20 of the Act to initiate penal and disciplinary action against the PIO since the PIO at no point has denied the information. No malafide is noticed in the action of PIO. Therefore the complaint needs to be disposed accordingly.
9. In the light of above discussion, the present complaint is disposed as dismissed and the 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