

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Appeal No.419/2023/SCIC

Dr (Ms.) Kalpana V. Kamat,
Caldeira Arcade, 'B' Block,
1st Floor, Bhute Bhat,
Vasco-Goa 403802.

-----Appellant

V/s

1. The Public Information Officer (Ramesh Parsekar),
Mormugao Planning & Development Authority,
Commerce Centre, 2nd Floor,
Vasco-Da-Gama, Goa.

2. The First Appellate Authority (Ritesh Shirodkar),
Mormugao Planning & Development Authority,
Commerce Centre, 2nd Floor,
Vasco-da-Gama, Goa.

-----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Filed on : 27/11/2023

Disposed on : 05/12/2024

Information sought and Background of the Appeal

1. Dr. Kalpana V. Kamat filed an RTI application dated 31/07/2023 to the PIO, Mormugao Planning and Development Authority (MPDA) seeking details with regard to the properties bearing 45 Chalta numbers and 10 P.T. Sheet numbers located at Bhute Bhat, Baina, Vasco.

2. In response to the RTI application PIO vide letter dated 13/10/2023 replied to the Appellant as under:

"Your queries submitted to the Public Information Officer cannot be in question form. Hence the information cannot be provided. The PIO under the RTI Act is not supposed to create information or to

interpret information or to furnish information to the hypothetical questions.

In view of the above, you may submit your request for specific information under the RTI Act, 2005”.

3. Being aggrieved by the reply received from the PIO/MPDA, Appellant filed first appeal dated 23/10/2023 before the First Appellate Authority (FAA/Member Secretary, MPDA) praying for furnishing information free of cost only after inspection of concerned files in original.
4. Thereafter, Appellant preferred second appeal dated 27/11/2023 before the Commission praying for direction to the Respondent PIO to furnish sought information, free of cost and initiate penal and disciplinary proceedings against Respondent PIO.

FACTS EMERGING IN COURSE OF HEARING

5. Pursuant to the filing of the second appeal by the Appellant, matter took up for hearing on 11/01/2024 for which Appellant present and Respondent PIO present along with Adv. M. P. Kamat. Matter adjourned to 12/02/2024 for PIO's reply.
6. When matter called out for hearing on 12/02/2024, Appellant present and Adv. Kajal Singh present on behalf of FAA and sought time to file reply. Matter posted to 14/03/2024.
7. However, matter was not taken up subsequently till September 2024 as the post of State Chief Information Commissioner and State Information Commissioner remained vacant.

- 8.** Matter resumed before the State Chief Information Commissioner on 09/10/2024 for which Appellant present and Adv. Meghana Kamat present for Respondents.

Respondent PIO filed written submission dated 09/10/2024 stating that to the original RTI application, Respondent PIO had replied to the Appellant within the stipulated time conveying that *"the information sought was in question form and requesting to submit request for specific information"*.

Respondent PIO further stated in the written submission that where the RTI queries are vague and not clear, the PIO cannot create information that suits the queries of the information seeker and prayed before the Commission to dismiss the present appeal of the Appellant. Matter adjourned to 07/11/2024.

- 9.** Appellant present for the hearing on 07/11/2024. Respondent PIO appeared along with Adv. Meghana P. Kamat. Appellant filed reply dated 24/10/2024 to the Respondent PIO's submission dated 09/10/2024 stating that Appellant was not allowed to inspect concerned files and not received any information sought vide RTI application. Both the parties placed their partial arguments. Matter adjourned to 05/12/2024 for further hearing.

- 10.** When the matter took out for hearing on 05/12/2024 both the parties to the Appeal present. Respondent PIO filed written submission citing several decided matters by the Hon'ble courts. In nutshell, Respondent PIO submitted that the RTI application of the Appellant was vague and Appellant has not clearly stated what information she required. Moreover, Appellant's many queries are in question form which do not fall within the purview of 'information' as defined under section 2(f) of the RTI Act, 2005.

DECISION

- i. Commission has come to the conclusion that the most of the RTI queries of the Appellant are imprecise, few are in question form and couple of queries are hypothetical, giving no scope for receiving information or making an obligation on the PIO to furnish information.**
- ii. Commission could not find any error on the part of the Respondent PIO for not furnishing information to the vague RTI queries of the Appellant. Hence the matter is disposed without any intervention by the Commission in the matter.**
- iii. Commission hereby advise the Appellant to file precise and specific RTI queries to the public authorities if she desires to seek any information because PIOs cannot furnish information to those RTI applications which are vague and lacks clarity.**
 - Matter disposed.
 - Proceeding stands closed.
 - Notify the parties.

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/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC