

GOA STATE INFORMATION COMMISSION

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Appeal No. 41/2022/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No.11,
Khorlim, Mapusa-Goa. 403507.

.....Appellant

V/S

1. The Public Information officer,
Administrator of Comunidades of North Zone,
Mapusa, Bardez-Goa.

2. The First Appellate Authority,
The Additional Collector-III,
Mapusa, Bardez-Goa. 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 08/02/2022

Decided on: 08/05/2023

FACTS IN BRIEF

1. The Appellant, Shri. Jawaharlal T. Shetye, r/o H.No. 35/A, Ward No.11, Khorlim, Mapusa-Goa by his application dated 13/07/2021 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), the Administrator of Comunidade, North Zone at Mapusa, Bardez-Goa.
2. The said application was responded by the PIO on 22/07/2021 in the following manner:-

Point No.	Information sought	Information furnished
1.	After inwards above cited correspondence letter dated 12/03/2021 in your office dated 18/03/2021 to whom it was handed over for further needful action.	No such record is available
2	Furnish certified copy of your action taken report in any from your end.	No such record is available
3	Furnish the present progress report as well as the present status report with regards to the letter bearing No. MMC/ENGG/ILL/233A/1962/2021	No such report is available

	dated 12/03/2021 inwards in your office on 18/03/2021 and with regards to my representation letter dated 17/12/2020 which is self explanatory.	
4	Furnish the names and designations of your officials / dealing hands entrusted the duties of processing both the above cited letter No. MMC/ENGG/ILL/233A/1962/2021 dated 12/03/2021 and dated 17/12/2020 forwarded to your office by the Chief Officer, Mapusa Municipal Council.	No work order has been issued to particular staff.

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal under section 19(1) of the Act, before the Additional Collector-III, North Goa District, Mapusa, Bardez-Goa being the First Appellate Authority (FAA).
4. The FAA by its order dated 10/11/2021 partly allowed the first appeal and directed the PIO to comply with the requirement of Section 4(1) of the Act, and furnish the name of official to whom the inward correspondence was marked at the relevant time.
5. Aggrieved and dissatisfied with the order of the FAA dated 10/11/2021, the Appellant landed before the Commission by this second appeal under sec 19(3) of the Act.
6. Parties were notified, pursuant to which the Appellant appeared in person on 26/04/2022. Adv. Sanjiv Sawant appeared on behalf of the PIO and filed his reply on 02/08/2022.
7. Perused the pleadings, reply and scrutinized the documents on record.
8. The PIO through his reply dated 02/08/2022 contended that, he has furnished pointwise reply and information to the Appellant from the records available in the office of Comunidade.

Further, according to him, the information sought by the Appellant was with respect to the letter dated 12/03/2021

which was inwards on 18/03/2021 seeking detail as to whom it was handed over for further needful action and action taken by public authority to that effect.

He further contended that, under the provisions of RTI Act, the Appellant cannot expect the respondent to take certain action or initiate action as desired by him and therefore the information sought by the Appellant does not come under the ambit of Section 2(f) of the Act, since no such information is available as not maintained in the office of public authority. Hence, he informed the Appellant that no such information is available.

9. In the present case, it is true and correct that the Appellant had sought information regarding action taken on his complaint. However, fact is that the on complaint he had lodged before the Office of Mapusa Municipal Council on 17/12/2020, the Chief Officer of the Mapusa Municipal Council forwarded said complaint to the Administrator of Comunidades, North Zone, Mapusa-Goa for its comments.

The PIO categorically replied that, no such record is available. The Commission has no authority to look in to the competence of the public authority to deal with the forwarded letter. There is no provision under the Act for redressal of grievance relating to the dispute. Moreover, the Appellant has also not produced on record the copy of the complaint.

10. On perusal of the above, it appears that the information sought by the Appellant is of hypothetical queries and is vague. In order to get the information from the public authority, the Appellant has to specify the information as required under Section 6(1) of the Act. If the Appellant really wishes to receive the correct information, obviously, being the interested person, needs to show diligence to identify the information. This type of queries made by

the Appellant is not covered by the definition of information under Section 2(f) of the Act.

11. The extent and scope of the information in which it is to be dispensed is elaborated, discussed and laid down by the Hon'ble Supreme Court in the case **Central Board of Secondary Education & Anrs. v/s Aditya Bandopadhyay (Civil Appeal No. 6454/2011)** as under:-

"35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to

such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the [RTI Act](#).”

12. In the light of above discussion, I find no malafide intention of the PIO in denying the information. The appeal is devoid of any substance hence, dismissed.

- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner