

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 65/SIC/2009

Mr. John Paul Gama,
H. No. 49, Vhoddem Bhat,
Dabolim
Vasco-da-Gama – Goa

... Appellant.

V/s.

Public Information Officer,
Village Panchayat Secretary,
V.P. Chicalim,
Chicalim – Goa

... Respondent.

Appellant alongwith Adv. C. Fernandes.
Respondent in person.

J U D G M E N T

(Per Afonso Araujo)

The Appellant sought information under the RTI Act on 17.02.2009 pertaining to Stop Notice dated 06.02.2009 and the documents enumerated at Sr. No. 1 to 6 in the same request. The Block Development Officer, Mormugao taluka on 19.02.2009 transferred this application u/s. 6(3) of the RTI Act to the Respondent. By communication dated 09.03.2009 the Respondent denied the information sought on the ground that execution/operation of the Stop Notice was stayed by the Additional Director of Panchayat-I in appeal No. MAR-I/27/2009/99 dated 17.02.2009. Not content with the reply provided the Appellant preferred the First Appeal and the First Appellate Authority by Order dated 19.05.2009 concurred with the reasoning of the Public Information Officer and dismissed the Appeal. Hence, this Second Appeal.

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2. The only ground upon which the information was denied to the Appellant by the Public Information Officer and endorsed by the First Appellate Authority is that the stop notice which was issued under the provisions of Panchayati Raj Act, 1994 against the six persons mentioned in the said notice, has been stayed by the Additional Director of Panchayat-I in the appeal filed by those six persons. The information sought, though it pertains to Stop Notice issued under the relevant provisions of Panchayati Raj Act, was under the RTI Act and the mere fact that the stay was granted by the Appellate Authority under the Panchayati Raj Act, it has no implication in the request for information under the RTI Act. If those documents required are available on record it has to be provided under the RTI Act. Whether those documents required were used or not for the purpose of issuance of Stop Notice is immaterial for the purpose of providing information under the RTI Act unless the information sought is exempted under the RTI Act. The Public Information Officer and the First Appellate Authority did not take into consideration that the information sought under the RTI Act are from the records and in case they were used for the purpose of issuance of Stop Notice, the Appellant cannot be deprived of that information merely because the stay was granted on the Stop Notice by the Appellate Authority under the Panchayati Raj Act. In such circumstances the following Order:

ORDER

The Appeal is allowed. The Order of the First Appellate Authority dated 19.05.2009 is set aside. The Respondent is directed to provide the information in the request dated

:: 3 ::

17.02.2009 to the Appellant within the period of twenty days from the date of receipt of the Order and report compliance.

Pronounced on this 27th day of May, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner