

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

**CORAM:** Shri M. S. Keny, State Chief Information Commissioner

**Complaint No. 429/SCIC/2010**

Mr. Moreshwar N. P. Navelkar,  
Syne Court, 2<sup>nd</sup> flr.,  
Nr. Gomantak Bhawan,  
St.Inez, Panajli –Goa.

...

Complainant

V/s

The Public Information Officer &  
Chief Officer,  
Ponda Municipal Council,  
Ponda –Goa.

...

Opponent.

Complainant in person.

Opponent absent. His Adv. Shri S. Pilgaonker present.

**O R D E R**  
**(03/11/2010)**

1. The Complainant Shri Moreshwar N. P. Navelkar has filed the present complaint praying that opponent be directed to furnish the information sought and that the opponent be penalized to pay sum of Rs. 250/- per day w.e.f. 07/04/2010 till the date he provides the information.

2. The brief facts leading to the present complaint are as under:-

That the Complainant, vide his application dated 07/04/2010 sought certain information under Right to Information Act ('RTI' Act for short) from the Dy. Director of Municipal Administration and Public Information Officer ('PIO') Panajli –Goa. That the said Additional Director of Municipal Administration/PIO forwarded the said letter dated 07/04/2010 along with the said order dated 10/12/2009 to the Opponent herein with a request to furnish suitable reply to the same. That the Opponent vide his letter dated 30/04/2010 furnished the information as that the order referred is self explanatory. That the information sought was specific and the opponent did not give clear reply. It is also the case of the Complainant that the opponent has given incomplete, misleading and false information and hence the present complaint.

...2/-

3. In pursuance to the notice the Opponent through his Adv. S. S. Pilgaonkar remained present. The Opponent did not file any reply as such. However, Adv. S. S. Pilgaonkar advanced the argument.

4. Heard the arguments. Shri C. S. Baretto argued on behalf of the Complainant and the learned Adv. S. S. Pilgaonkar argued on the behalf of the Opponent.

Shri Baretto, referred to the facts of the case in detail. According to him the information sought is simple i.e. the complainant wanted to know the provision of the Municipal Act under which law he revoked of the demolition by the Ponda Municipal Public Council. He also submitted that such an information can be very well given. Adv. S. S. Pilgaonkar submitted that the reply has been furnished in time and he referred to the reply. He also submitted that whatever was available has been furnished and that the complainant cannot ask for the same.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not.

It is seen that the applicant/complainant has made an application dated 07./04/2010 seeking certain information from the Deputy Director of Municipal Administration & PIO, Collectorate Bulilding Panaji –Goa. That by letter dated 12/04/2010 (mentioned as 12/04/2008) the application was transferred to the opponent herein under section 6(3) of the Right to Information Act. This transfer is in time. By letter dated 30/04/2010 the opponent furnished the reply. Again this reply is in time. It is strange to note here that application was made to the Dy. Director of Municipal Administration when in fact the information sought was with the Opponent. It is to be noted here that sub-section 3 of section (6) carves out an exception sub-section 1 of section (6) being the main section.

Again no first appeal is preferred. In the instant case the reply was furnished in time. Therefore, in the fitness of things the complainant ought to have preferred the first appeal.

6. The information that is sought is as under:-

"I am enclosing herewith a copy of the above order and in this connection I would like to know the provision of the municipal Act under which the said review of Demolition order was issued by the Ponda Municipal Council."

The reply given reads as under:-

"With reference to your application dated 07/04/2010 on the subject cited above, the order referred is self explanatory".

According to the Complainant/his representative what is sought is the provision. The short point that arises is whether the information that is sought comes within the definition of section 2 (f) of the Right to information Act. I need not reproduce herein, however, I have perused section 2(f), 2(i) and 2(j) of the R.T.I Act. A combined reading of these three 2(f), 2(i) and 2 (j) would show that a citizen is entitled for disclosure of information which is in material form with a Public Authority and "information" and the right to seek do not include opinions, explanations etc. so also provisions of law. In my view the information sought by the Complainant is in the nature of asking provision when the order is already passed. Such type of Information may be opinion or justification and as such cannot be furnished.

7. Now it is to be seen whether such a request can be granted. I have perused some of the rulings of the Central information Commission on the point and they are as under:-

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(i) In R. K. Mirg V/s Ministry of Home Affairs (F. NO. CIC/AT(A)2006/00154 dated 3/11/2006) it is observed as under:-

“Section 2(f) of the RTI Act allows an appellant access to information “held” by a public authority. Since Rules and Acts were already in the public domain, these were freely accessible to anyone who wanted to have them, and hence should not be said to be “held” by any public Authority. It is, therefore, not open to the appellant to seek “interpretation” of a law or rule from the public authority disguised as seeking information.

In overall consideration of the matter before the Commission, it is held that there is no responsibility cast on the respondents to “interpret” any law or rule for the Appellant. The appeal is rejected”.

(ii) In K. M. Naregal V/s Department of Personal & Training (Appeal No. CIC/WB/A/2007/00825 decided on 02/03/2009) it was observed that interpretation of Laws, rules and orders is not within the purview of the R.T.I Act. It was also observed that this is a matter of legal opinion required to be agitated before the competent Court.

(iii) In Aisha Magbool V/s Municipal Corporation of Delhi (Appeal No. CIC/WB/A/2008/01329/SG dated 24/12/2008 it is observed as under:-

“The Appellant is not happy with the reply and wants the PIO to give specific provision of the law which would apply to his property. He is effectively seeking an interpretation of the law from the PIO, which is not information as defined under the Act.”

(iv) In Major (Retd.)P. G. Deval V/s Central Excise & Custom Department (Decision No.F.No.CIC/AT/A/2008/00424 dated 28/07/2008) it was held that R.T.I Act cannot be invoked to demand and obtain from a public Authority, explanations, reasons, justifications and so on in respect of a decision made.

There are also some other rulings on the point. In short the information sought does not fall within the category of information as defined under section 2(f). The Complainant has adequate forum to question the same if aggrieved.

8. Representative of the Complainant relied on a letter whereby the similar query is answered by the Chief officer of another Municipal Council. I have perused the same. I have nothing to say on the same. Even if the opponent herein furnishes this Commission will have no objection. This Commission has to follow the mandate of RTI Act.

9. In view of all the above the request of the Complainant cannot be granted. Regarding penalty, there is no delay as such. Hence penal provision is not attracted.

In view of all the above, I pass the following order:-

**ORDER**

The Complaint is dismissed.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 3<sup>rd</sup> day of November, 2010.

Sd/-  
(M. S. Keny)  
Chief Information Officer

