

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.15/SCIC/2011

Shri Ravi Uttam Desai,
R/o.H.No.65/J/I,
Barebhat, Alpha Housing Complex,
Arlem Raia, Salcete - Goa

... Complainant

V/s.

The Inspector of Survey
And Land Record,
South Goa Fatorda,
Salcete – Goa

... Opponents

Complainant present.
Opponent present.

ORDER
(27/07/2012)

1. The Complainant, Shri Ravi Uttam Dessai, has filed the present complaint praying that the opponent be ordered to provide the required information to the complainant at the earliest and that proper inquiry be made.

2. It is the case of the complainant that, vide application dated 25/2/2011, he sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short). That no information was given though almost one year passed. Hence the present complaint.

3. In pursuance of the notice the P.I.O. appeared and filed the reply which is on record. It is the case of the opponent that the then Inspector of Survey & Land Records , Margao, Shri S. R. Rane could not furnish the information to the complainant within

stipulated time. That the opponent has been recently posted as Inspector of Survey & Land Record, Margao w.e.f. 2/6/2010 upon superannuation of Shri S. R. Rane and came to know about the case only on 9/2/2011. That he has processed the application. According to him proceedings be dropped.

4. Heard the Complainant as well as the opponent/ P.I.O. and perused the records.

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 by application dated 25/2/2010, the Complainant sought certain information i.e. why the survey numbers are not yet promulgated. It is seen that no reply was furnished. Hence the present complaint.

5. It is to be noted here that R.T.I. is a time bound programme between the administration and information seeker. That is to say reply is to be furnished within 30 days. Appeal is to be filed within 30 days and the F.A.A. has to dispose it within 30/45 days. The second appeal is to be filed within 90 days.

Coming to the information sought such a query cannot be answered. It is held that queries like why , what, how etc can not be answered by a public authority. In the guise of information seeking explanations and queries about nature and quality of actions of public authority need not be raised for answer. The Hon'ble High Court of Bombay (Panaji-Goa Bench) in Celsa Pinto V/s. Goa State Information Commission(2008) 24 CLA-BL defined the term "information" as under : ""The definition of information' cannot include answers to the question 'why' as that would be asking for a justification. The public information authorities

cannot be expected to communicate to the citizen the reason why a certain thing was done or not done in the sense of justification because the citizen makes a requisition for information. Justifications are a matter within the domain of adjudicating authorities and cannot properly be classified as information.”

In view of this position the request of the Complainant cannot be considered..

6. In the instant case there is a peculiar situation. The Dy. Collector and S.D.O. Quepem by letter dated 2/12/2003 ordered that appropriate action to promulgate of the concerned land records may be taken immediately. The grievance of the complainant is that only his number was not promulgated. Hence the complainant is seeking the reason/justification. To my mind concerned authorities can solve the problem at once as order is already passed and partly acted upon. The Deputy Collector Canancona to see that the survey be promulgated and the matter which was kept incomplete can be completed.

7. In the instant case the Complainant has a genuine grievance. This Commission cannot help the Complainant as this is not a grievance redressal Forum. This Commission has only those powers that are vested by the statute and this Commission fully aware of its power. The approach of this Commission is only to attenuate the grievances if possible. With this view in mind the Commission only requests the Dy. Collector, Canacona to address to the grievance of the Complainant.

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

ORDER

In view of observations in para 6 and 7 hereinabove, no intervention of this Commission is required. The complaint is disposed off.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 27th day of July, 2012.

Sd/-
(M. S. Keny)
State Chief Information
Commissioner