

GOA STATE INFORMATION COMMISISON

“Shrama Shakti Bhavan”, Ground Floor, Patto Plaza, Panaji – Goa.

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Appeal No. 123/SCIC/2011

Decided on: 01/08/2014

Shri. Gajanan D. Phadte
898, Nila Niwas, Alto Torda
Porvorim, P.O. 403521.

..... Appellant

V/S

1) Public Information Officer
Mamlatdar, Bardez,
Mapusa – Goa

..... Respondent No. 1

2) Deputy Collector & SDO Bardez
Mapusa – Goa

..... Respondent No. 2

ORDER (Open Court)

RTI Application filed on : 03/03/2011

PIO reply dated : 05/04/2011

First Appeal filed on : 19/04/2011

FAA Order dated : 13/05/2011

Second Appeal filed on : 20/05/2011

1) This second appeal arises out of original R.T.I. application filed on 04/03/2011 before PIO and Mamlatdar of Bardez. It asked for detailed “*certified information in respect of mutation of land, such as copy of register of application indicating dates of receipt of application, dates of initiation of mutation process, and finalization, dates and reasons recorded for not certifying mutation entries and prayed Inspection of records may also be provided, if the volume of records found to be large*”.

2) Reply was given on 05/04/2011 asking him to pay Rs. 548 and collect information.

...2/-

3) First appeal was filed on 19/04/2011 asking for information free of cost. It was dismissed by order dated 13/05/2011. The FAA has recorded his observation as below –

- *The respondent PIO has remained present before me and produced a copy of the letter dated 05/04/2011, asking appellant to pay Rs. 548, And also carry out inspection of records.*
- *Appellant argued that he has not received letter dated 05/04/2011, hence onus lies on PIO to furnish information*
- *From records it is clear that Appellant was directed to collect information on payment of Rs. 548/-. Record asked for is huge and he appears not interested in making payment.*
- *Hence appeal is dismissed and Appellant directed to pay amount and collect information.*

4) Second appeal was filed on 05/08/2011, claiming that Appellant never received reply sent by PIO on 05/04/2011. He got the copy only on 09/05/2011 during the hearing of the First Appeal. Hence the order of FAA should be said aside and he should be given information free of cost and penalty should be imposed on PIO.

(5) The then PIO filed his reply to second appeal on 05/08/2011, where he opposed that information was denied to the Appellant. He also pointed out that the Appellant had requested for inspection/selection, if volume was large.

(6) Appellant has filed his rejoinder on 08/09/2011.

(7) The case came up for final hearing on 01/08/2014. it is recorded by FAA that reply was dispatched 05/04/2011, inviting Appellant for inspection as the volume was large. Even if it is accepted that he did not receive it then, he definitely received it on 09/05/2011, before FAA. Even then he has not offered to visit PIO office and select record of mutation entries really needed by him. From the wording of the application it is clear that he would like to guard

himself against huge fee and has therefore requested for inspection/selection if volume is large, he however does not show same consideration while asking for huge information such as copy of entire register of applications for mutation entries .

(8) In this regard it is pertinent to note the preamble of RTI Act 2005.

“And whereas democracy require an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold governments and their instrumentalities accountable to the governed;

And whereas revelation of information in actual practice is likely to conflict with other public interest including efficient operations of the government , optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

And whereas it is necessary to harmonies these conflicting interests while preserving the paramountcy of the democratic ideal;”

(9) I therefore uphold judgment of FAA. The appellant if he is still interested should approach of the PIO within two month from receiving this order and identify those mutation entries in whose respect he need information. The PIO should facilitate this. Thereafter the appellant can collect the information needed by him on payment.

(10) The appeal is dismissed as above.

Sd/-
(Leena Mehendale)
Goa State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa