

GOA STATE INFORMATION COMMISSION
Ground Floor, "Shrama Shakti Bhavan," Patto Plaza, Panaji.

Appeal No. 175/SIC/2008

Shri John Fernandes,
H. No. 229, Copelabhat, Deao,
Quepem - Goa

...Appellant

V/s.

1. The Public Information Officer
Directorate of Mines
Panaji-Goa

...Respondent No. 1

2. The First Appellate Authority
Directorate of Mines
Panaji - Goa

...Respondent No. 2

CORAM:
Shri G. G. Kambli
State Information Commissioner
(Per G. G. Kambli)

Dated: 12.12.2008

Appellant in person.
Shri Nicholas P. Dias, Government counsel for the Respondents

ORDER

This second appeal, under sub-section (3) of section 19 of the Right to Information Act, 2005 (for short "The Act"), is directed against the order dated 24.09.2008 passed by the Respondent No. 2 in appeal No. 01/120/08/Mines/2165.

2. The case of the Appellant is that the Appellant approached the Respondent No. 1 seeking information on seven points vide application dated 03.07.2008 under section 6 of the Act. The Respondent No. 1 vide letter dated 29.07.2008

informed the Appellant that the information on point No. 1 and 2 are kept ready and the same can be collected on payment of Rs. 4/-. As regards the information on point No. 3, the Respondent No. 1 informed that the same is not readily available. Regarding point No. 6 and 7, the Respondent N. 1 informed the Appellant that the request of the Appellant does not fall within the purview of section 2(f) of the Act. The Respondent No. 1 provided certain information on points No. 4 and 5.

3. Aggrieved by the said reply of the Respondent, the Appellant preferred an appeal before the Respondent No. 2 on 18.08.2008. The Respondent No. 2 after hearing the parties partly allowed the appeal giving directions to the Respondent No. 1 to provide the information on point No. 3 and dismissed the appeal in respect of the other points vide order dated 24.09.2008.

4. Dissatisfied with the order of the Respondent No. 2 the Appellant filed the present second appeal on the grounds as set out in the memorandum of appeal. The notices were issued to both the parties. The Respondents were represented by Shri Nicholas P. Dias, Government counsel, and the Appellant appeared in person. The Respondent No. 1 also filed the reply.

5. So far as the information on point 1 and 2 is concerned, the same is already provided by the Public Information Officer. The only grievance of the Appellant is that the said information is not stamped. The Respondent No. 1 also submitted in his reply that in compliance with the order of the Respondent No.2, the information on point No. 3 is also provided to the Appellant. The Respondent No. 1 also submitted that in respect of the other points the information is already provided and the information sought at point No. 6 and 7 does not fall within the purview of the Act.

6. I shall first deal with the information relating to point No. 6 and 7 as sought by the Appellant. At point No. 6 the Appellant wanted to know as to what action would be taken against the operating of certain mines illegally and under which provisions of law. This certainly will not fall within the ambit of the Act. The Public Information Officer cannot provide the information as regards to the future course of action which the authorities may take. Besides, the Public Information Officer is also not expected to give any opinion or advice but his role is restricted to provide the information available in records of the public authority. At point No. 7 the Appellant also sought the view of the Respondent No. 1 which is also not permissible under the Act. Therefore, I fully agree with the findings of the Respondent No. 1 as well as the Respondent No. 2 that the information sought at points No. 6 and 7 does not fall within the ambit of the Act.

7. The Appellant sought the information at point No. 5 as follows:

“Does M/s. Shantilal k. and bros. pvt. Ltd. Zoleracho Dongor iron ore mine under T.C. No. 44/51 and Devapan Dongor Iron and Maganese ore mine of Shri Shaik Salim under T.C. No. 01/1951 are in operation?” In the reply thereto, the Respondent No. 1 furnished the following information:

“In respect of item No. 5, as per the available information the mining leases are presently not in operation.”

8. Thus, the Respondent No. 1 has provided the information to the Appellant. Therefore, the only point remains to be seen is whether the Respondent No. 1 has provided the information on point No. 4. At point No. 4 the Appellant sought certified copies of mining leases alongwith mining lease plan in respect of certain companies mentioned therein. The Respondent No. 1 replied that no mining leases have been renewed in favour of

certain companies. In fact, the Appellant did not seek the information regarding the renewal of mining leases but certified copies of mining leases alongwith the plans. During the course of the hearing, the Learned Government counsel for the Respondents submitted that the companies have not come forward to renew their mining leases but continue to be in possession and operating in mining as per the mining concession granted to them. He also pointed out that the matter is pending in the Supreme Court. On a query by this Commission, it was clarified that the copies of the mining concession alongwith the plans would be provided to the Appellant.

9. Therefore, I partly allow the appeal and direct the Respondent No. 1 to provide copies of the mining concession alongwith the plan in respect of the companies mentioned at point No. 4 of the request of the Appellant on payment of the prescribed fees within two weeks from the date of this order. The Respondent No. 1 is also directed to attest the documents, which are already provided to the Appellant.

Pronounced in the open Court on this 12th day of December 2008.

Sd/-
(G. G. KAMBLI)
STATE INFORMATION COMMISSIONER

