

**GOA STATE INFORMATION COMMISSION AT  
PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

**Appeal No. 317/SIC/2008**

Jacinto M. Sequeira  
Bonglo De Jacinto  
Tivim, Atchit Vaddo  
Bardez – Goa

...**Appellant.**

V/s.

1) The First Appellate Authority  
The Director of Panchayats,  
North Goa, Panaji – Goa

...**Respondent No. 1**

2) The Public Information Officer  
Dy. Director of Panchayats  
North Goa, Panaji - Goa

...**Respondent No. 2**

Appellant present in person.

Shri Nilesh Sawant, authorized representative of Respondent  
No. 1 present.

**J U D G M E N T**

(Per Afonso Araujo)

The Appellant by request dated 26.12.2009 sought information under Right to Information Act, 2005 (for short, The Act) from the Public Information Officer – Dy. Director of Panchayats (North Goa), Panaji-Goa and which are enumerated from 1 to 9 in the said letter.

2. The Respondent No. 2 by communication dated 16.01.2008 replied to the information sought and stated that information at point No. 1 to 7 does not come within the purview of section 6 of the Act and that on the point No. 8, the reply states that there is no provision in the Goa Panchayat Raj Act, 1994 for the spouse to act on behalf of the Panch and regarding point No. 9 the reply states that the same was not applicable in view of para 1 of the letter of the Respondent. Not content with the reply provided, the Appellant preferred the First Appeal and by order dated

...2/-

23.02.2008 the Respondent No. 1 disposed the appeal directing the Appellant to approach the Public Information Officer of the Village Panchayat to obtain the information on the status of the resolution. Again, the Appellant not content with the order of the First Appellate Authority preferred this Second Appeal.

3. On perusing the information sought at serial No. 1 to 9 in the request dated 26.12.2008, it deals with the matters pertaining to the resolution passed by the Gram Sabha on 31.08.2008. The information at serial No. 8 has been provided and except information at serial No.1, 2 and 5, the other information sought is hypothetical in nature. As rightly pointed out by the First Appellate Authority, it is the Village Panchayat Thivim who has to provide the information in respect of the resolution dated 31.08.2008. However, the First Appellate Authority instead of directing the Appellant to approach the concerned Public Information Officer, ought to have directed the Respondent No. 2 to comply with the provisions of section 6(3) of the Act and transfer the request dated 26.12.2008 to the Public Information Officer, Village Panchayat Thivim. Section 6(3) of the Act says:

- (3) Where an application is made to a public authority requesting for an information;
- (i) which is held by another public authority; or
- (ii) the subject matter of which is more closely connected with the functions of another public authority;

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

4. Since the information sought is in respect of the Gram Sabha resolution passed on 31.08.2008, by invoking the provision of section 6(3) the Respondent No. 2 has to transfer the information only at serial No. 1, 2 and 5 to the Public Information Officer, Village Panchayat Thivim and the said Public Information Officer to provide this information directly to the Appellant. Hence, the following order:

ORDER

The appeal is partly allowed. The Respondent No. 2 is directed within five days from the receipt of this order, to transfer the information sought only at serial No. 1, 2 and 5 in the request dated 26.12.2008 to the Public Information Officer- Secretary, Village Panchayat Thivim.

The Public Information Officer, Secretary-Village Panchayat Thivim to provide the information at serial No. 1, 2 and 5 of the request dated 26.12.2008 directly to the Appellant within 15 days from the receipt of the transfer from the Respondent No. 2. Copy of the order to be sent to the Appellant, Respondent No. 2 and Public Information Officer-Secretary, Village Panchayat Thivim.

Pronounced in the open Court on this 16<sup>th</sup> day of June 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner