

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 24/SIC/2009

Shri Abhai S. Raikar,
Morod Wadda, Divar,
Ilhas – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Secretary,
Village Panchayat Goltim – Navelim,
Divar – Goa.
2. First Appellate Authority,
Block Development Officer - Tiswadi,
Junta House, Panaji - Goa.

..... Respondents.

Appellant present in person.

Shri Ashish Naik, the Respondent No. 1 present.

J U D G M E N T

(Per Afonso Araujo)

The information sought under the Right to Information Act, 2005 (for short the RTI Act) on 25/01/2009 by the Appellant, was provided by the Respondent No. 1 by communication dated 24/02/2009. This information consisted of seven queries and as the Appellant was not satisfied with the information provided to the query No. 6 only; preferred the First Appeal and by order dated 22/04/2009, the First Appellate Authority dismissed the Appeal. This is the Impugned Order.

2. Shri Raikar submitted that the information provided at point No. 6 was false and misleading and that the copy of the panchanama was not sent to the higher authorities i.e. Block Development Officer and that the penalty may be imposed on the Respondent No. 1 and compensation be paid to him. Shri Ashish Naik stated that whatever information sought at point No. 6 was provided and that the copy of the panchanama was placed before the Panchayat authority for action and there is no need the same to be sent to the Block Development Officer.

...2/-

3. I have gone through the records and proceedings of the case and submission of both the parties. The information sought at point No. 6 is as follows: -

“Whether the complaints on alleged illegal construction are genuine based on the findings of the site inspection and/or other evidence? Copy of the reports sent to the higher authorities in this regard may please be furnished.”

The Respondent No. 1 replied to this query at point No. 6 by stating that:-

“Panchanama report enclosed. The said report was placed before Panchayat body meeting.”

Now the question is whether this information provided is false and misleading. In order to provide information by the Public Information Officer, the first requirement is whether the information sought is within the meaning of ‘information’ under the RTI Act. The Appellant requires to know whether the complaints on the alleged construction are genuine or not. This information sought is an opinion which the Appellant is seeking from the Public Information Officer and such opinions does not form part of the meaning of section 2(f) of the RTI Act. The Respondent No. 1 has to provide the information from the records available and in case any opinion or advice is already available from the records then it is an information and the Respondent No. 1 is bound to provide the same to the Appellant but his opinion or advice cannot be sought.

4. The Appellant by requiring the Respondent No. 1 to provide information as to the genuineness of the complaint, is seeking the opinion of the Respondent No. 1 and it is immaterial whether any report of the site inspection was prepared or not. The Respondent No. 1 need not comment on the site inspection and state whether the complaints on the alleged illegal construction are genuine or not. The Respondent No. 1 at the most can provide the Appellant with the report of site inspection or any evidence from the records on which any public authority has acted upon and it is precisely that the Respondent No. 1 did by providing the Appellant with panchanama report and stating that the report was placed before Panchayat body meeting.

5. The Respondent No. 1 by providing the report of the panchanama and stating that the same was placed before the Panchayat Body meeting, has met the requirements of the Appellant on the query at point No. 6. The First Appellate Authority rightly decided the Appeal and there are no reasons for interference with the Impugned Order. Hence, the following order: -

ORDER

The Appeal is dismissed.

Pronounced in the open court on this 31st day of August, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

