

**GOA STATE INFORMATION COMMISSION AT
PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 236/SCIC/2008

Shri Surendra Furtado
Timotio Building, 1st Floor
Next to Navhind Times
Panaji – Goa

...**Appellant.**

V/s.

1) The Public Information Officer
Corporation of the City of Panaji
Panaji – Goa

...**Respondent No. 1**

2) The First Appellate Authority
The Director
Directorate of Municipal Administration
Panaji – Goa

...**Respondent No. 2**

Appellant in person.
Opponent absent.

J U D G M E N T

(Per Afonso Araujo)

Providing incomplete information as well as non-compliance of the order of the First Appellate Authority by the Public Information Officer are the grievances of the Appellant in this appeal.

2. The Appellant sought information on 19.09.2008 from the Assistant Public Information Officer, Corporation of the City of Panaji (for short ‘the CCP’) which is in respect of the final notice concerning illegal structure. The Respondent replied to the information sought by letter dated 16.10.2008. Not satisfied with the information provided the Appellant preferred First Appeal and the First Appellate Authority on the reasoning that the reply furnished by the Respondent is evading and such approach can defeat the very purpose of the RTI Act, directed the Respondent to provide the information within a period of seven days. As the Appellant did not obtain the information sought as per the

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directions of the First Appellate Authority, preferred this Second Appeal.

3. Shri Furtado submitted that the information sought on 19.09.2008 was incomplete and the Respondent did not give reasons for not carrying out the demolition of the structure and that the order of the First Appellate Authority also was not complied with and that the Respondent may be directed to furnish the correct information, penalty of Rs. 25,000/- be imposed on Public Information Officer and that disciplinary proceedings be considered against him and compensation may be granted to the Appellant.

4. I have gone through the records of the case and taken into consideration the submissions of the Appellant. The information sought in the request dated 19.09.2008 refers to the final notice issued on an illegal structure wherein the concerned party was given 28 days for restoring the structure to its original state and the Appellant requires the information as to (1) whether the structure was restored to its original state within 28 days of the receipt of the notice issued by CCP. (2) If it is not restored to its original state whether CCP has demolished the above illegality and if so when, its date and time. (3) If it has not been demolished to give reasons why it has not been done. (4) To give notings of the files after 11.12.2007. The Respondent by communication dated 16.10.2008 stated that

“the said structure has not been restored to its original state within 28 days by the transgressor. The Corporation of the City of Panaji has not demolished the above structure. As per the records available it is not known why the said structure has not been demolished by the Corporation. You are requested to pay Rs. 20/- towards issue of certified copies of noting from 11.12.2007”.

On analyzing the information provided by the Respondent No. 1 to the Appellant's request for information, the Respondent No. 1 has specifically answered the queries at point 1, 2 and 4. In respect of point No. 3 wherein the Appellant requires to know the reasons "why structure was not demolished", the information sought is not information within the meaning of 'information' under the RTI Act. The Appellant by requiring the reasons for not carrying the demolition has called for an opinion of the Public Information Officer and is not in the domain of the RTI Act for the Public Information Officer to give an opinion why a particular act has been done or not. All the Public Information Officer can provide is from the records available. His opinion or advice is beyond the scope of RTI Act. The First Appellate Authority committed an error by observing that the reply furnished by the Respondent No. 1 is evading and defeats the very purpose of RTI Act. The Respondent No. 1 correctly approached this query and stated that as per the records available it is not known why the said structure has not been demolished by the CCP. The Public Information Officer has to provide the information from the records available and that is what precisely the Respondent No. 1 did and the manner the Appellant called for information is nothing but opinion of the Respondent which is not information under the RTI Act. In respect of query No. 4 the Respondent No. 1 has requested the Appellant to pay Rs. 20/- for the certified copies of the notings from 11.12.2007. There is nothing on record whether the Appellant has collected the information on payment of fees. If not, the Respondent to provide the information of the certified copies of notings from 11.12.2007 to the Appellant. With these observations, the appeal is disposed off.

Pronounced in the open court on this 24th day of September, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

