

GOA STATE INFORMATION COMMISSION

AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 258/2008

Shri Gajanan D. Phadte,
898, Nila Niwas, alto torda,
Porvorim,
P. O. – 403 521

... Appellant.

V/s.

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

...Respondent No. 1

2) The First Appellate Authority,
The Deputy Collector & SDO,
Bardez,
Mapusa – Goa

...Respondent No. 2

Appellant in person.

Respondent No. 1 in person.

JUDGMENT

(Per Afonso Araujo)

The request of the Appellant dated 18.09.2008 seeking information under the Right to Information Act, 2005 (for short, 'The Act') is as follows:

1. Kindly provide me detailed certified information of Salvador do Mundo Saza, relating to the period from 1988 till date, in respect of the following records:

(A) Name, designation and tenure of Certifying Officers of Mutation Entries in Mutation Register. Also provide name and tenure of Talathis posted/transferred in Saza.

(B) Mutation Entry No. M/4259/98 of Survey No. 110 ready to certify. Particulars of Officials who neglected to certify it. Details of disciplinary/criminal action initiated or proposed to initiate against them for negligence and dereliction in duty.

...2/-

(C) Dispute of Mutation Entry No. 1873 of Survey No. 113/2 and reasons for pending disposal.

(D) Details of disciplinary/criminal action initiated against Talathis who forged Form I & XIV of Survey No. 113/2; of those issued its copies before its mutation entry No. 1873 certified, and of their superior officials who abetted them in forgery and let them go scot-free up till now.

2. I may also be provided inspection of all the said records.

2. The Respondent No. 1 by communication dated 29.10.2008 provided the information pertaining to the Talathis working at Salvador do Mundo, for the period from 1988 till date. Not satisfied with this incomplete information the Appellant preferred the First Appeal and by order dated 31st December 2008 the appeal was dismissed on the ground that the information required has been already provided by the Respondent No. 1. This is the Impugned Order.

3. Shri Phadte stated that only the later part of the information sought at 1A was given and B, C and D was not on the given and that there was a delay in providing the information by Respondent No. 1 and the Respondent No. 1 did not dispose the appeal within prescribed time limit. Shri Shankhwalkar submitted that the information sought by the Appellant was provided and on that ground the First Appellate Authority dismissed the appeal and that the Appellant also failed to appear for the hearing of the First Appeal.

4. I have gone through the records of the case and submissions of the parties. The Respondent No. 1 provided the information to the Appellant in respect of only the second part of Sr. No. 1-A and which is the name and tenure of the Talathis posted and transferred in Saza

relating to the period from 1988 to the date of the application. On perusing the information at Sr. No. 1A (first part), B, C, D, it indicates that it is not information within the meaning of information under the RTI Act. The Appellant is seeking the opinion of the Public Information Officer – Respondent No. 1 which is not information under the RTI Act. Requiring particulars of officials who have neglected the duties; the reasons for pending disposal; whether on forged documents any criminal action was taken; whether any disciplinary action was initiated against those Talathis and their superior officials who abetted the forgeries, cannot be information within the meaning of RTI Act. The required information must be from the records in any form and not personal opinion of the Public Information Officer vis a vis the information sought. As there is no merit in this appeal, the following order:

ORDER

The appeal is dismissed.

Pronounced on this 24th day of November 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

