GOA STATE INFORMATION COMMISSION

AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 01/SCIC/2009

Shri Jose Almeida,
Marchon Building, 1st Floor,
Margao
GOA – 403 601 … Appellant.

V/s.

The Chief Officer,
Margao Municipal Council,
Municipality Building,
Margao – Goa … Respondent

Appellant in person.
Ms. Deepti Savordekar for the Respondent.

JUDGMENT

(Per Afonso Araujo)

On the strength of the reply of the Respondent dated 09.09.2008 providing information to the earlier request of the Appellant dated 18.08.2008, seeking information under the Right to Information Act, 2005 (for short, The RTI Act) and pertaining to the dumping and lifting of garbage within the Municipal area of Margao, the Appellant on 15.10.2009 as a follow-up, again, sought the following information under the RTI Act :

(1) "Whether you have given necessary instructions to your garbage collection staff to collect this garbage on day to day basis along with other garbage dumped nearby at authorized places. If yes, why this garbage is not collected on regular basis?

(2) The reason why this unauthorized garbage dumping place is not sprayed with larvicide and fumigated as stated by you at "As per 6" of your letter dated 9th September 2008."

2. As the Appellant did not receive any reply to his request within the stipulated period of thirty days, preferred First Appeal on

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24.11.2008 and by order dated 30.12.2008 the First Appellate Authority directed the Respondent to furnish point-wise specific and detail reply to the Appellant to its application dated 15/12/2008, within a period of seven days. The Respondent by communication dated 02.01.2009 provided the following information: "As per 1. Necessary instructions are issued to the garbage collection staff to collect the garbage for the collection of the garbage within the municipal jurisdiction.

It is informed by the garbage collection staff that the garbage is being cleared on periodical basis.

As per 2. The activities of spraying of larvicide's is usually done at the places where there is stagnation of water like in gutters, drains, nalahs, to prevent the breeding the mosquitoes and getting rid of larvae of the mosquitoes. As regard to fumigation/fogging is concern it is done to drive away the mosquitoes in the areas where the cases of vector borne diseases like the malaria/filaria are detected by the Urban Health Centre Margao, as the result the garbage dumping places are not sprayed or fumigated."

Not content with the information provided the Appellant preferred this Second Appeal.

3. The information sought on 15.10.2008 is whether the Respondent has given necessary instructions to the garbage collection staff to collect the garbage on day-to-day basis and if the reply is in the affirmative whether the same is being collected on regular basis. In the communication dated 02.01.2008 to the query at Sr. No. 1, the Respondent No. 1 has stated that instructions were issued to the garbage collection staff to collect the garbage within the municipal jurisdiction and the same is being cleared on periodical basis. It may be pointed out here that there is a letter on record dated 17.12.2008 of the Respondent and the reply is the same to the question at Sr. No. 1, in the request of the Appellant dated

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15.10.2008 but with the addition that a separate small garbage truck is being used at the said spot for the clearing of the waste as the spot falls on a very narrow lane where the big compactor or regular truck are unable to pass. The reply to the question at Sr. No. 2, as to the reasons unauthorized garbage dumping place is not sprayed with larvicide and fumigated, is that the spraying is usually done in all places where there is stagnation of water and the fumigation is done at the places where diseases like malaria/filarial are detected. In fact the reply provided in the letter dated 17.12.2008 to the question at Sr. No. 2 is also the same to the reply dated 02.01.2009, except to the addition to the reply at Sr. No. 1 as stated above.

4. Since the information provided by the Respondent in the communication dated 17.12.2008 and 02.01.2009 meets the requirements, to the information sought at Sr. No. 1 and 2 in the request dated 15.10.2008, there is no need to proceed further and the Appeal is disposed off.

Pronounced on this 23rd day of December 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner