

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 139/SIC/2009

Dr. Victor De Souza,
Anna Villa, Povoacao,
Moira,
Bardez – Goa

... Appellant.

V/s.

1) Mr. Tushar T. Halarnkar,
Public Information Officer,
Block Development Officer-II,
Mapusa, Bardez – Goa

... Respondent No. 1.

2) Mr. R. D. Mirajkar,
First Appellate Authority,
Deputy Director of Panchayats (North),
Junta House, 3rd Floor,
Panaji – Goa

... Respondent No. 2.

Appellant in person.
Respondent No. 1 in person.

J U D G M E N T

(Per Afonso Araujo)

On a representation submitted by the Appellant, the Respondent No. 2 issued a Memorandum No. 8/III/DDPN/Moira/Bardez/09/2063 dated 25.05.2009 (hereinafter referred as “the Memorandum”) to the Respondent No. 1 with the direction to inquire into the complaint, verify the facts and take suitable action and intimate the Respondent No. 2 the action taken report.

2. Based on the Memorandum, the Appellant sought the information under the Right to Information Act, 2005 (for short, the RTI Act) on 12.06.2009 and requires the action taken report submitted by the Respondent No. 1. In pursuance to the directions of the Memorandum, the Respondent No. 1 in the letter dated 08.07.2009 addressed to the Respondent No. 2 stated that the Respondent No. 1

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sought detailed report from the V.P. Secretary, Moira and accordingly submitted the report of the V.P. Secretary, Moira dated 07.07.2009 to the Respondent No. 2.

3. The grievance of the Appellant is that the Respondent No. 1 did not comply with the directions contained in the Memorandum issued by the Respondent No. 2 and instead of the Respondent No. 1 himself holding an enquiry and submit his own report, sought the detailed report from the Secretary, Village Panchayat of Moira, and submitted to the Respondent No. 2.

4. The information sought by the Appellant is in respect of the action report submitted by the Respondent No. 1 to the Respondent No. 2 in pursuance to the directions in the Memorandum. The Respondent No. 1 complied with the directions and submitted report dated 08.07.2009 by relying on the detailed report of the Secretary of Village Panchayat, Moira, dated 07.07.2009. For all purposes, the information sought under the RTI Act was provided by the Respondent No. 1. Whether the report submitted by Respondent No. 1, it is in accordance with the directions of the Memorandum, it is not under the domain of the RTI Act to go through this question. No doubt that the directions given in the Memorandum was to the Respondent No. 1 only, and in all fairness it was the Respondent No. 1 who should have enquired into the Complaint and submit the report and not seek the report from the Secretary, Village Panchayat. For not complying with the directions of the Memorandum the Appellant is required to take suitable action with the appropriate authorities rather than question the validity of the report submitted by the Respondent No. 1 under the RTI Act.

5. Since the information contemplated under the RTI Act is information from the records and the Appellant requires the action report submitted by the Respondent No. 1 in pursuance of the Memorandum and accordingly the Respondent No. 1 produced the

report though sought from the Secretary, Village Panchayat, it meets the requirements to the information sought by the Appellant. There are no reasons to proceed further and this Appeal is disposed off.

Pronounced on this 24th day of February, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner