

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 82/SIC/2009

Shri Franky Monteiro,  
H. No. 501, Devote,  
Loutolim,  
Salcete - Goa

... Appellant.

V/s.

1) Public Information Officer,  
The Secretary,  
Village Panchayat Loutolim,  
Loutolim,  
Salcete - Goa

... Respondent No. 1.

2) First Appellate Authority,  
Block Development Officer-II,  
Salcete,  
Margao - Goa

... Respondent No. 2.

Appellant in person.

Shri S. Palkar for Respondent No. 1.

J U D G M E N T

(Per Afonso Araujo)

By request dated 29.04.2009 the Appellant sought information under the RTI Act from the Respondent No. 1 which consist mainly certified copies of a number of correspondence specifically mentioned in the said request received by the Village Panchayat and registered in the Inward as well as Outward Register of the year 2006.

2. The Respondent No. 1 by communication dated 28.05.2009 provided the information of some correspondence and regarding the rest it is stated that they are not traceable in the office records. Not satisfied with the information provided the Appellant preferred First Appeal and by Order dated 16.07.2009 the First Appellate Authority directed the Respondent No. 1 to trace the information from the office records and to provide to the Appellant within ten days. As the Respondent No. 1 did not provide the required information and gave some explanation, the Appellant preferred the Second Appeal.

...2/-

3. It appears that the Appellant on 30.03.2009 sought inspection of Inward and Outward Register of the Panchayat from 01.07.2006 to 30.04.2007 and also of correspondence received by the Panchayat of the same period. Subsequently, on 29.04.2009 the Appellant specified the correspondence from the Inward Register and required the copies under the RTI Act. The Respondent No. 1 provided the information but in respect of certain correspondence which were mentioned in the second para of the communication dated 28.05.2009, has stated that those correspondence are not traceable in the office records. It is the contention of the Respondent No. 1 that certain correspondence could not be provided to the Appellant as they were not found in the records. This correspondence which the Appellant is requiring is of the year 2006 and hardly three years have passed and it is strange that they are missing from the records of the Panchayat. No doubt that the Respondent No. 1 cannot create information but it has to be provided from the records and the records indicate that a missing report has been filed to the Police Inspector, Maina Curtorim Police Station on 06.10.2009. Apart from this FIR lodged, it also requires an enquiry on the missing of a number of correspondences from the records of the Panchayat so as to place the responsibility on those persons. With these observations the following order:

**ORDER**

The Appeal is partly allowed. The Dy. Director of Panchayats (South), Margao to hold an enquiry on the missing correspondence mentioned in para 2 of the letter dated 28.05.2009 of the village Panchayat and submit the report within one month from the date of receipt of the Order.

A copy of the Judgment to be sent to the Dy. Director of Panchayats (South), Margao.

Pronounced on this 31<sup>st</sup> day of March, 2010.

**Sd/-**  
**(Afonso Araujo)**  
**State Information Commissioner**

