

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 86/SIC/2009

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

... Appellant.

V/s.

1) Public Information Officer,
Administrator of Comunidades,
South Zone,
Margao - Goa

... Respondent No. 1.

2) First Appellate Authority,
Additional Collector – I,
Collectorate Building, Margao,
Salcete – Goa

... Respondent No. 2.

3) Shri Michael Luis,
Escrivao,
Office of Comunidade of Verna,
Verna,
Salcete – Goa

... Respondent No. 3.

Appellant in person.

Respondent No. 3 alongwith Adv. Godinho.

J U D G M E N T

(Per Afonso Araujo)

In the request dated 19.02.2009 the Appellant sought information under the RTI Act and requires:

- 1) Certified copies of all applications received for extraction of rubble.
- 2) Certified copy of notification issued in the official gazette.
- 3) Certified copy of resolution adopted by the general body of the Comunidade alongwith the list of components who participated.
- 4) Certified copy of Administrative approval granted by the Administrator.
- 5) Certified copies of all agreements executed by the Comunidade for extracting the rubble.
- 6) Certified copies of all approvals obtained from appropriate authorities for extraction of rubble. (as the extraction operations have begun).
- 7) What is the mode of extraction of rubble as approved by the Administrator and Comunidade. (whether it is to be extracted manually,

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rock breaker, or through illegal blasting by use of explosives as being presently done).

8) What are the steps taken by the Comunidade and the Administrator to check the extraction of rubble through illegal use of explosives which is a criminal offence.

2. The Respondent No. 1 by communication dated 31.03.2009 provided the information. The Appellant not satisfied with the information preferred First Appeal and the First Appellate Authority disposed the First Appeal directing the Respondent No. 1 to furnish the information missed out in earlier reply and which was agreeable to the Appellant. Subsequently, the Appellant on 29.04.2009 again approached the First Appellate Authority stating that he is not satisfied with the information at Sr. No. 1, 3, 4, 5, 6, 7 and 8. As the Appellant did not obtain the information required preferred the Second Appeal. Since this information provided was based on the information given by Escrivao of Comunidade of Verna, Shri Michael Luis, Escrivao of Comunidade of Verna was made a party in these proceedings as Respondent No. 3.

3. The contention of the Respondent No. 3 is that he cannot be made a party in these proceedings as he is an employee from the Comunidade of Verna and acts as per the instructions of its managing committee and is not authorized to represent the Comunidade before any court or forum and it is only the Attorney who can represent the Comunidade in any Court of law, public offices and authorities. No doubt that the Attorney of Comunidade can represent the Comunidade in any Court of law, public offices and authorities but whenever information sought under RTI Act from the Public Information Officer, this public authority can seek assistance from any officer within its department in order to provide information to any information seeker and since the Administrator of the Comunidade has overall control on all Comunidades within his jurisdiction, the Respondent No. 1 sought assistance of the Respondent No. 3 who need not necessarily be the Attorney of Comunidade. Since all the provisions of the RTI Act are in the form of a mandate and the Public Information Officer must provide the information, accordingly, the Respondent No. 1 sought the assistance of the Respondent No. 3 who

was bound to provide information under the RTI Act. In such circumstances the contention of the Respondent No. 3 that he cannot be made a party cannot be accepted.

4. The information provided by the Respondent No. 1 on 31.03.2009 is based on the assistance sought from the Respondent No. 3 in the letter dated 13.03.2009. Except the reply to the information at Sr. No. 2 the Appellant is not satisfied with the information at Sr. No. 1 and 3 to 8 stating that information is incomplete. However, the Appellant has not shown in what manner this information provided is incomplete. On analyzing the reply given by Respondent No. 3 vis a vis the information sought of the Appellant it appears that the Respondent No. 3 provided the information at Sr. No. 1, 3 to 8 In respect to information at Sr. No. 1 the Appellant requires certified copies of all applications received for extraction of rubble. The answer of the Respondent No. 3 is that no such applications are received as extraction of rubble is adjudicated by way of auction. The Code of Communitades prescribes the procedure for allotment of extraction of rubble by way of auction where applications for such ventures are not required and accordingly the Respondent No. 3 has provided the information to the query at Sr. No. 1. The information at Sr. No. 3 consists of certified copy of resolution adopted at the General Body Meeting of the Comunidade alongwith list of components who participated. The Respondent No. 3 by providing a copy of 'No Quorum proceedings of the General Body Meeting of the Comunidade' has answered to the information sought at Sr. No. 3. Similarly, by providing the copies of agreements, contracts executed by the Comunidade for extraction of rubble, the Respondent No. 3 has answered the information at Sr. No. 5.

5. The information at Sr. No. 4 the Appellant requires certified copies of administrative approval granted by the Administrator. The Respondent No. 3 in the reply has provided copies of the approval of the Administrator of Communitades of South Zone, Margao dated 18.12.2008 alongwith copy of the resolution of the Managing Committee dated 28.10.2008 and a copy of the terms and conditions. In this manner the Respondent No. 3 has provided the information sought at Sr. No. 4. By providing the copies of terms and conditions while answering the information sought at Sr. No. 4, the Respondent No. 3 has answered the information sought at Sr. No. 6, 7 and 8.

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6. Since the information provided by Respondent No. 1 in the communication dated 31.03.2009 which is based on the information provided by Respondent No. 3 dated 13.03.2009 meets the requirements of the information sought in the request of the Appellant dated 19.02.2009, there are no reasons to proceed further and the Appeal is disposed off accordingly.

Pronounced on this 26th day of March, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner