

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 116/2007-08/GIDC.

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

..... Appellant.

V/s.

1. The Public Information Officer,
Mr. A. D. Naik,
The Chief General Manager,
Goa Industrial Development Corporation,
Patto, Panaji – Goa.

2. The first Appellate Authority,
Mr. A. V. Palekar,
The Managing Director,
Goa Industrial Development Corporation,
Patto, Panaji – Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Dated: 17/03/2008.

Appellant in person.

Respondent No. 1. present in person.

Respondent No. 2 is represented by Law Officer, Shri. Mandar Shirodkar.

ORDER

This disposes off the second appeal filed by the Appellant against the impugned order dated 30/11/2007 by the Respondent No. 2. The Appellant approached the Public Information Officer, Respondent No. 1 with a request to supply him information/documents on 6 points. The Public Information Officer has given all the copies of the documents except for point No. 6. The Respondent No. 2 has upheld the Public Information Officer's decision as regards to this point. At question No. 5, the Appellant wanted the certified copies of agenda note and resolution of Board of Directors of the GIDC regarding the construction of certain roads. The Public Information Officer has issued him only the agenda notes and not the resolutions. The Public Information Officer has taken the plea that the minutes of the meeting were not approved by the Board of Directors till the time he replied to the Appellant.

2. The parties argued for themselves and Respondents have also filed their replies. The brief point is whether question No. 6 is "information" within the meaning of the definition under the Right to Information Act, 2005 (for short the RTI Act). The Public

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Information Officer says that it is not information but did not mention why he thought so. The impugned order simply states that the view of the Public Information Officer is upheld. Both the orders are non-speaking orders as far as this point is concerned. In the reply filed before us, the Respondent No. 2 has simply enclosed the first appeal copy and proceedings sheet of the appeal. This is neither the reply before us, as it does not clarify the stand of the Respondent No. 2, nor does it enlighten how the appellate authority has come to such a conclusion. On the other hand, he has requested this authority to "dismiss" the appeal only because the copy of the entire roznama is enclosed by him. The Respondent No. 1, of course, has not mentioned anything in his written reply about the reasons for his views that the point No. 6 is not "information" under the RTI Act.

3. The point No. 6 states as follows: - "Whether roads and open spaces within the land allotted to various companies for SEZ shall be open to public after development". There is no dispute that the GIDC has allotted its land to the various companies for the purpose of establishing SEZs. It is a different matter that the GIDC has not formulated the SEZ policy and according to them it is a Central Government policy. It is also not relevant as whose instance, whether the Central Government or State Government, the land was allotted to the five companies for the purpose of SEZ. If the land is allotted by the GIDC it should have entered into an agreement with the five companies as indeed they have given such copies of the agreement to the Appellant in response to some other requests. It is, therefore, necessary for them to know whether the open spaces and roads are required to be maintained by the companies, if so how much and to what extent and whether they will be opened for general public. This is the basic information regarding the terms and conditions of the allotment/lease which forms the part of the land allotment/lease. Therefore, it is not an advice or an opinion of the Public Information Officer. Either such a condition is available on record or it is not available. At any rate it cannot be said that this is not information as defined under the RTI Act. During the arguments before us, the Public Information Officer has stated that he was not in a position to give the copies of the minutes of Board of Directors meeting in response to the question No. 5 because they were not approved by the Board of Directors. Now it has been approved by the Board of Directors and he can give the information.

4. The Public Information Officer is directed to give the complete information to the Appellant for questions 5 and 6 within the next 10 days. We are, however, not inclined to grant the request of the Appellant to initiate penalty proceedings against the Public Information Officer. The appeal is, therefore, partly allowed.

Pronounced in the open court on this 17th day of March, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

Sd/-
(G. G. Kambli)
State Information Commissioner

