

GOA INFORMATION COMMISSION

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

Appeal No. 118/2007-08/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 order dated 30/11/2007 of the first Appellate Authority, Respondent No. 2 herein, under the Right to Information Act, 2005 (RTI Act for short) (hereinafter referred to as the impugned order). The Appellant requested the Respondent No. 1, who is the Public Information Officer, to provide information in respect of 4 points. The Public Information Officer issued the information in respect of 3 points and he rejected the request in respect of 4th point. This point relates to the query by the Appellant seeking the certified copy of land acquisition award and plan of land acquired for a road at Rassaim in the V.P. Loutolim of Salcete Taluka. The Public Information Officer replied that the Goa IDC did not acquire the land mentioned by the Appellant. The Appellant, thereafter, filed his first appeal before the Respondent No. 2, who upheld the Public Information Officer's decision.

2. Notices were issued and the parties have represented themselves. Both the Respondents have submitted their written statements.

...2/-

3. The case of the Appellant is that he has been given wrong information in respect of the first three points and regarding the 4th point even if the information is not available with the Public Information Officer, he ought to have forwarded to the concerned Public Information Officer of the public authority where the information is available under section 6(3) of the RTI Act. The first 3 points are regarding the certified copies of the agenda and minutes of the meeting of the GIDC Board in their 280 and 285th meetings. Besides, the Appellant by his 3rd request, asked for certified copy of the Deed/Agreement of lease executed by the GIDC in respect of land allotted to Maxgrowe Finlease Pvt. Ltd. The GIDC has given the certified copies as requested after collecting the fee of Rs.460/- from the Appellant. Apart from making a bland statement before us that the Public Information Officer deliberately supplied him wrong documents, the Appellant did not make any effort to show how they are wrong documents. The first Appellate Authority has directed the Public Information Officer in his order to provide a second set of the documents free of cost once again in view of the allegations. We are not aware whether this has been complied with by the Public Information Officer. On the other hand, in his reply before us, the Public Information Officer submitted that another set of documents were kept ready and the Appellant was asked to collect them on any working day.

4. In his first appeal before the Respondent No. 2 as well as in his second appeal before us the Appellant had merely mentioned that incorrect information was given to him. We are, therefore, satisfied that in the absence of any evidence to the contrary, the Public Information Officer has supplied correct information for the first three points. The information regarding the 4th point is the acquisition of land for construction of road purpose. This did not "make use of section 6(3) of the information Act in respect to para 4".

5. Section 6(3) of the RTI Act states "Where an application is made to a public authority requesting for an information,-

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the application immediately about such transfer:....."

6. From above provision of section 6(3), it is clear that if the information requested by the citizen is not available with the Public Information Officer concerned, it shall be transferred to another public authority. No doubt, the Public Information Officer of GIDC should have transferred this question to the PWD, had he known that it was acquired by the PWD. From the request, it is not clear whether it is PWD or any other Department which has acquired the land mentioned by the Appellant. Normally, PWD is

acquiring land for the road construction/repair. There are other authorities like local authorities or other corporations, which might acquire the land for construction/repairs of roads. The Public Information Officer of the GIDC is not supposed to inquire with all of them and transfer the request thereafter. This provision can be invoked only when it is very clear to the Public Information Officer where the information is likely to be available. We, therefore, give a benefit of doubt to the Public Information Officer and accept his reply. We are also not inclined to start penalty proceedings against the Respondents No. 1 and 2 for the above reasons.

7. With the above view of matter, the appeal is dismissed as lacking merit.

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