

GOA INFORMATION COMMISSION
Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

2nd Appeal No: 12 / 08-09 /

Shri J. T. Shetye,
Hno: 35, Ward No: 11,
Khorlim, Mapusa - Goa.

..... Appellant

V/s

1. The Public Information Officer,
The Mamlatdar of Bardez Taluka,
Office of the Mamlatdar,
Mapusa, Bardez - Goa.

..... Respondent No.1..

2. The First Appellate Authority,
The Deputy Collector & SDO,
Bardez Taluka,
Mapusa, Bardez - Goa.

..... Respondent No.2..

CORAM:

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

(Per G. G. Kambli)

Dated: 16th July, 2008.

Advocate Shilpa Salgaonkar for the Appellant.

Respondent No. 1 & 2 absent.

J U D G M E N T

The Appellant challenges the order dated 08/01/2008 passed by the Respondent No. 2 in Appeal No. 22/3/2007/RTI/DC/197 on the grounds as set out in the memo of appeal.

2. The fact of the case, in brief, are that the Appellant approached the Respondent No. 1 vide his application dated 30/07/2007 seeking certain information on 7 points pertaining to case No. MAM/BAR/ILLE-MAP/2007/229 dated 30/01/2007.

3. In the present Appeal, the Appellant has made the grievances in respect of the points No 5 and 8. At point No. 5 the Appellant has sought the following information.

....2/-

“In the notice dated 30/01/2007 it is said that “the said fact was confirmed by Talathi of Mapusa Saza”.

Kindly provide me the certified copy of the said report prepared by the talathi of Mapusa”.

In reply dated 10/08/2007, the Respondent No. 1 has asked the Appellant to collect the copy on payment. The grievance of the Appellant is that the Respondent No. 1 has not provided a copy of the report of the talathi. Both the Respondents remained absent. They have also not filed any reply and therefore it is very difficult to know whether the copy of the report of the talathi was provided to the appellant. Since both the Respondents remained absent, we presume that no copy of the report of the Talathi was provided to the Appellant.

4. The Appellant has further stated that he has not been provided the copy of the photographs as well as the copies of list of documents enclosed by him vide his letter dated 14/11/2006. On perusal of the application dated 30/07/2007 we do not find that the Appellant has made any request seeking copies of the photographs as well as the copies of the list of the documents.

5. At point No. 7, the appellant wanted to know from the Respondent No. 1 whether there is any provisions for filing the appeal against the order dated 30/01/2007 and at point No. 8 he wanted to know to whom the appeal should be made. The Respondent No. 1 replied in the positive and also informed that Appeal lies to the Hon’ble High Court. Thus, the Respondent No. 1 has provided the complete information to the Appellant. The Appellant in his subsequent letter wanted to know the time limit for filing the reply. Thus, the appellant is seeking the advice of the Public Information Officer, as regard to the time limit, which is admittedly does not fall within the definition of the term “information”. The Public Information Officer is not expected to express any view or render any advice. The PIO’s duty is to provide the information that is available with the Public Authority.

6. As a result we pass the following order.

O R D E R

Appeal is partly allowed. Respondent No. 1 directed to provide copy of the report of the Talathi of Mapusa, as requested by the Appellant within 2 weeks from the date of the order on payment of the necessary charges. The other prayers of the Appellant are rejected.

Pronounced in the open Court on this 16th day of July, 2008.

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

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