

GOA INFORMATION COMMISSION

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

Appeal No. 58/2007-08/Dy. Col.

Shri Joao C. Pereira
H. No. 40, Acsona, Utorda,
Majorda, Salcete - Goa.

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Appellant.

V/s.

1. Public Information Officer,
The Dy. Collector & S.D.O., Tiswadi Taluka,
Office of the Deputy Collector/SDM,
Panaji - Goa.
2. First Appellate Authority,
The Additional Collector - I (North),
Collectorate Building,
Panaji - Goa.

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Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 01/11/2007.

Appellant present in person.

Authorized representative of the Respondent No. 1 Shri Anand N. Gaude,
U.D.C. present.

Authorized representative Shri Pramod G. Shet, U.D.C. of the Respondent
No. 2 present.

ORDER

The Appellant has requested the Respondent No. 1 herein, on 5th June, 2007 to give him certain information on seven points. The Public Information Officer, however, refused the request on 9th July, 2007 on the ground that the details sought by the Appellant are not available with her office and that it is not an official document and that the same may be obtained from the "concerned officer who endorsed the documents". The Appellant, thereafter, moved the Respondent No. 2 herein by his first appeal on 13th July, 2007. The first Appellate Authority passed his order confirming the Public Information Officer's refusal. Hence, the present second appeal dated 27th August, 2007. By this appeal, the

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Appellant prayed for setting aside the Public Information Officer's letter dated 9/7/2007; and order dated 13/8/2007 of Respondent No. 2 and for a direction to the Public Information Officer to get the information from wherever it is available and to give it to him. He also requested that refund of Rs.12/- collected from him by the first Appellate Authority illegally, impose penalty on and recommend disciplinary action against Public Information Officer for refusing the information.

2. Notices were issued and a reply was filed by the Respondent No. 1. The Respondent No. 2 did not file any reply nor his representative argued anything on his behalf when the matter came up finally for orders.

3. The matter relates to the attestation by the Dy. Collector, Panaji of a document submitted by M/s. Ramesh Hotels and Resort Private Limited. The officer who attested the document as true copy and his successor-in-office who rejected the request of the Appellant for information are transferred and are not evoking as Public Information Officer in this case any more. The information is about a true copy of the resolution passed in the meeting of Board of Directors of M/s. Ramesh Hotels and Resorts Private Limited held on 2nd February, 2006. The resolution itself was certified true copy by a Director of Company, Mr. Sanjay Vazrani. It was further certified as true copy by the then Dy. Collector and S.D.O., Panaji Sub-Division predecessor in office of the present Respondent No. 1. All the questions relates to this document. It is clear from the document, a photocopy of which is placed on record by the Appellant himself without attestation, that the Dy. Collector has only attested the same and has not issued any document himself. It is not on record in what capacity he has attested the document and under which law. His successor in office, the Public Information Officer at the time of the application for information, stated in the refusal letter dated 9/7/2007 that this is not a part of the office documents of the Dy. Collector's office. The Respondent No. 2 herein has confirmed that the then Dy. Collector has attested the document in his capacity as a Gazetted Officer and that it means that only a copy of the document placed before the certifying officer is an exact replica of the original. He further stated the certifying officer is not required to find out whether the original document is right or wrong and that he is not responsible for the authenticity of the original document placed before him. As no record is available in the office of the Dy. Collector and he has

attested the document not based on any records of the Dy. Collector's office, he has come to the conclusion that it is not "information" as defined under the Right to Information Act, 2005 (for short the Act) and as such the Public Information Officer need not even obtain the information from any other officer or public authority under section 5(4) of the RTI Act. We agree with the Respondent No. 2. All Gazetted Officers of the Goa Government have the powers to attest documents as "true copies". All that they are to be satisfied is that the copy is exactly worded in the same manner as the original. They are not responsible for the contents of the original document. Also the officer attesting the documents is not bound to keep a record of all the documents attested by him in his office. We, therefore, find no merit in the second appeal. Accordingly, the appeal is dismissed with all the prayers contained therein.

Pronounced in the open court on this 1st day of November, 2007.

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

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

/sf.