

# **GOA STATE INFORMATION COMMISSION**

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

Appeal No. 61/2006/VP Canca Benaulim

I. Samuel Raju

H. No. 706/A, Aksona,  
Pendolpem - Benaulim,  
Salcete - Goa . 403716

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Appellant.

V/s.

1. Public Information Officer  
Secretary, V.P. Canca Benaulim,  
Salcete - Goa.

2. First Appellate Authority,  
The Director of Panchayats,  
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: 15/02/2007.

Appellant in person.

Respondents are also in person.

## **ORDER**

This disposes off the second appeal dated 26/12/2006 against the order dated 21/12/2006 of the Respondent No. 2 on first appeal dated 7/11/2006 filed by the Appellant before him. The request asking for the information "whether the said construction comes under the term as reconstruction" was filed by the Ms. Maria Esperanca Fernandes e Raju on 24/9/2006 with Respondent No. 1. A reply was given by the Respondent No.1 on 10/10/2006 of the Respondent No. 1 citing another letter dated 19/9/2006 as an answer. The letter dated 19/9/2006 of the Respondent No. 1 refers to the material used for the repair of her house by Maria alias Rosy D'Souza and not about the opinion requested on 24/9/2006 by the Appellant regarding her own house.

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2. The original application for the request was made by Mrs. Maria Esperanca Fernandes e Raju whereas the first appeal and second appeal are filed by I. Samuel Raju. That apart, as per the Section 2 (i) of the Right to Information Act, 2005 (for short the RTI Act) - record includes the document/manuscript/microfilms/specimen copies mentioned therein. It does not include any information of giving legal advice by the Public Information Officer about the nature of construction of house. The type of request asking for the opinion of the Respondent No. 1 is not "information" within the meaning of "record" under the RTI Act. As far as the order of the Respondent No. 2 is concerned asking the Public Information Officer to give a specific reply to the query raised by the Appellant, we are not in a position to understand what further reply has to be given by the Respondent No. 1 and we are also not aware if any further reply was given by the Respondent No. 1 after the order dated 21/12/2006 of the Respondent No. 2. However, in view of what we have stated above, we hereby set aside the Appellate order dated 21/12/2006 and dismiss the second appeal as not maintainable under the RTI Act.

Pronounced in the open Court on 15<sup>th</sup> February, 2007.

(A. Venkataratnam)  
State Chief Information Commissioner, GOA.

(G. G. Kampli)  
State Information Commissioner, GOA.