

## GOA INFORMATION COMMISSION

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

**Appeal No. 78/2007.**

Allan Falleiro,  
H.No.400, Toleband,  
Loutolim, Salcete,  
Goa 403718

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Appellant

V/s

1. Public Information Officer,  
Mr. A.D. Naik,  
GIDC, EDC Complex, Patto Plaza,  
Panaji – Goa.

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Respondent No.1

2. The First Appellate Authority,  
Mr. A. V. Palekar,  
GIDC, EDC Complex, Patto Plaza,  
Panaji – Goa.

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Respondent No.2.

### **CORAM:**

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

(Per G.G. Kambli)

Dated: 13/12/2007.

Appellant in person.

Respondent No. 1 in person.

Respondent No. 2 represented by Shiri Mandar Shirodkar, Law Officer of  
GIDC.

### **ORDER**

The Appellant vide his request dated 23/07/2007 requested the Respondent No1 to provide the information on 6 points under the Right to Information Act 2005 (for short the Act).

2. The Respondent No. 1 vide reply dated 24/08/2007 provided the information only on one point and rejected the request on other points under section 2 (f) of the Act. In the meantime, the Appellant preferred the first appeal before the Respondent No. 2 on 24/08/2007 as the Appellant did not

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receive any reply from the Respondent No. 1. Subsequently, on receipt of the reply dated 24/08/2007, the Appellant preferred another appeal on 28/08/2007 before the Respondent No. 2 alleging that the Respondent No. 1 intentionally given incorrect, incomplete and misleading information. The Respondent No. 1 vide his letter dated 27/08/2007 provided the information on point No. 2.

3. The Respondent No. 2 after hearing the parties dismissed the appeals filed by the Appellant and upheld the decision of the Public Information Officer that is Respondent No. 1, on the ground that the information cannot be sought in the form of questions. Aggrieved by the decision of the First Appellate Authority, the Appellant filed the present 2<sup>nd</sup> appeal before this Commission.

4. We will now first consider whether the information can be sought by the citizens in the form of questions. It is to be noted that apart from transparency of the functioning of the Government and its functionaries the object of the Act is to contain corruption and the Government and their instrumentalities are accountable to the citizens. In terms of section 4 (1) (d) of the Act, an obligation is cast on the Public Authority to give the reasons for its administration and quasi-judicial decision.

5. Section 2 (f) of the Act which defines the term “information” does not prohibit that the information cannot be provided if it is sought in the form of questions. The term “information” is defined in section 2 (f) of the Act means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

6. Therefore, we are of the view that the information can be sought in the form of questions. Coming now to the application of the Appellant, the

Appellant had sought the reasons and basis on which the land is allotted to companies to set up parks/SEZ. Therefore, there must be policy/guidelines made by the Corporation for allotment of land to the industrialist/companies. There should be some guidelines or policy made by the corporation for the allotment of land which is acquired for the expansion of Industrial Estate at Verna. If there is no policy or guidelines and the plot can be allotted at the discretion of the corporation the Respondent No. 1 should inform the Appellant in so many words. Therefore the Respondent No. 1 was wrong in rejecting the request of the Appellant under section 2 (f) of the Act.

7. By another 2 questions, the appellant wanted to know the reasons as to why the corporation has allotted 275 acres of land for setting up of township when the land was acquired for the Industrial purpose. The citizen, therefore, has right to know the reasons as to why the acquiring Department has diverted the use of land acquired for one purpose to another purpose. Thus, there must be reasons/basis on which this huge land admeasuring 275 acres has been allotted for building purpose. Here again, the Respondent No. 1 has erred in rejecting the request of the Appellant.

8. Coming to the last point, the Appellant wanted to know as to why and how area of 16,72,900 sq. meters has been allotted to 4 organizations thereby depriving entrepreneurs for setting up of Industries. The Appellant has not given the details of these 4 organizations such as names, addresses etc. and therefore, the Appellant should clarify and provide these details to the respondent No. 1.

9. In the instant case, the Appellant is seeking the information on the policy or guidelines of the corporation regarding the allotment of land, its uses, criteria etc. As stated earlier, the Public Authority has to give the reasons for its administrative and quasi-judicial decisions. If there are no reasons available in the records for allotment of land, the Respondent No. 1 should inform the Appellant accordingly.

In the light of the above discussion, we pass the following order.

O R D E R

Appeal is allowed and the order dated 25/09/2007 of the Respondent No. 2 is quashed and set aside. The Respondent No. 1 is directed to provide the information on the remaining points to the Appellant within 2 weeks from today. However, the information regarding the allotment of area of 16,72,900 sq. meters can be provided only on getting the clarification from the Appellant about the 4 organizations.

We are not inclined to grant the other prayers of the Appellant for taking penal action against the Respondents under section 20 of the Act.

Pronounced in the open Court on this 13<sup>th</sup> day of December, 2007.

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

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