GOA STATE INFORMATION COMMISSION

'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

Complaint No. 43/SCIC/2016

Shri Bandhagit Nadaf,
No.9, 3rd floor,
Paes Avenue Bldg.,
F. L. Gomes Road,
Vasco-da-Gama. ….. Complainant

V/s

The State Public Information Officer,
Mr. Sharada Naik Headmistress/SPIO,
O/o The Municipal High School Vasco,
Vasco-da-Gama. ….. Opponent.

Shri. Prashant S. P. Tendolkar ,
State Chief Information Commissioner

Filed on:03/08/2016

Disposed on: 20/06/2017

O R D E R

1) The contention for complainant in complaint in brief is that by application, dated 17/11/2015, filed u/s 6(1) of the Right to Information Act 2005 (Act) he sought certain information from PIO, Marmugao Municipal Council pertaining to the PIO herself herein. The said application was referred to PIO u/s herein 6(3) of the act. The same was replied on 14/01/2016, which according to complainant contained vague replies.

2) The complainant filed first appeal to Chief officer, Mormugao Municipal Council, who disposed the same by order, dated 16/06/2016. According to

…2/-

the Complainant inspite of said order of FAA the PIO has not furnished the information and hence this complaint u/s 18 of the act.

3) Parties were notified. The PIO appeared and filed her reply. The complaint did not attend. In view of the absence of the complainant the submissions of the PIO were heard and that of complainant could not be heard.

4) Being a complaint filed u/s 18 of the Right to Information Act 2005, the request of the complainant for order to furnish information cannot be considered. Hence only the issue of penalty as prayed vide prayer (ii) of the complaint is considered herein.

5) **The Hon'ble High Court of Bombay, Goa bench at Panaji, while dealing with a case of penalty (Writ petition No. 205/2007, Shri A. A. Parulekar, V/s Goa State Information Commission and others)** has observed:

> **"11*. The order of penalty for failure is akin to action under criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."***

And accordingly it is necessary herein to decide whether there is delay in replying the application and whether such delay is intentional or deliberate*.*

6) It is the contention of complainant at para (2) of the complaint that the act of SPIO is to provide pain and agony, which he alleges on the bases of alleged vagueness of the reply to his application u/s 6(1).In the reply filed by PIO, it is contended by her that the required information is already furnished by her by letter, dated 14/01/2016. The complainant has not clarified as to why the information is state to be vague.

I have perused the said reply, the application u/s 6(1) filed by appellant seeks the details of educational qualifications of teaching and non teaching staff as also other certificates. The same is replied on 14/01/2016.

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Regarding the some part of application the PIO has answered that the information is exempted u/s 8(1) (j) of the act. The PIO has also stated that in the course of providing inspection some unwanted incident has occurred leading to file a FIR before police.

7) The complainant remained absent during the hearing and failed to clarify as to how agony or pain has occasioned to him. The Complainant has also failed to clarify as to why and in what context the reply is vague.

8) On going through the records and considering the pleadings of the parties, I find no deliberate on intentional delay in furnishing the information, to invoke the provisions of section 20(1) and or 20(2) of the act. I find the explanation submitted by PIO as satisfactory and probable for not invoking the provision of said section 20(1) and/or 20(2) of the act.

In the aforesaid circumstances I find no merits in the complaint and hence the same is required to be closed.

I therefore withdraw the notice, dated 13/01/2017, issued by this Commission. Proceedings stands closed.

Notify the parties.

Sd/-
(Mr. Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa