

GOA STATE INFORMATION COMMISSION

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

**Pen. 11/2017
in
Complaint 17/SIC/2014**

Dr. Dadu Sawant,
R/o H.No. 2330, Nandadeep Ambaji,
Fatorda, Margao Goa.

..... Appellant

V/s.

1. Public Information Officer,
Inspector of Survey and Land Records,
City Survey Margao,
Margao Goa.

2. The Director/First Appellate Authority,
Directorate of Settlement and Land Records,
Panaji Goa

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Decided on: 12/06/2017

ORDER

1. Vide disposing the above complaint No. 17/14 by order dated 31/1/17, this commission had issued notice u/s 20(1), 20(2) and u/s 19(8) (b) and also seeking reply from the respondent No. 1 PIO of survey and land Record, city survey Margao to show cause as to why the penalty and compensation prayed for by appellant should not be granted. In the said order the Director of settlement land record was directed to conduct inquiries regarding the missing of pages 1 to 25 from Book B of book 8 and fix responsibility and initiate action against the responsible person and to report regarding out come of inquiry to this commission.
2. In pursuant to the notice dated 20/2/17, the then PIO Shri Anand Vaingankar appeared. Respondent no. 2 First appellate authority was represented by Rajesh Pai kuchelkar. During the hearing the

complainant was also present along with Advocate Atish Mandrekar.

3. Replies filed by then PIO Shri Anand Vaingankar on 2/3/2017, and on 16/3/2017. The present PIO Shri Savio Silvera filed his reply on 5/5/2017.

The reply on behalf of Director Directorate of settlement land records Panaji was filed on 25/4/2017 and also compliance report placed on by them on 31/5/2017.

The copies of the all replies were furnished to the appellant /complainant .

During the hearing on 26/4/17 the representative of present PIO Shri Suraj Vengurlekar submitted that the file is now traced and that he has carried the certified copies of all the documents pertaining to the said files and the form (B) of the chalta No. 14 of P.T. sheet no. 134 was available in the said file. Accordingly the information came to be provided the appellant free of cost by representative of the present PIO.

4. Arguments were heard of the respective parties. It was submitted by the advocate for the appellant that he had sought the properly document which were vital. Lots of his valuable time has been spent in pursuing the said application. Mental agony have been caused to him as a document which was required by him was not furnished to him on time and on priority basis, as such he could not approach the civil court for his remedies, on that ground he sought for compensation for the hardship caused to him.
5. It was submitted on of behalf of then PIO Shri Anand Vaigankar that the RTI application dated 11/11/13 was promptly replied by him vide letter dated 2/12/13 and he was not denied any available information with him nor has ignored to furnish the information. Further it was also submitted that by taking the cognizance of the order of the respondent No. 2 FAA, he along with Shri R.C Prabhu Dessai visited the residence of Shri Eknath Naik Borkar

who name is figuring in the property card and requested him to submit the documents pertaining to said property in order to reconstitute the file . However the said was not submitted by said Shri Said Eknath Naik Borkar .

It is further contended by Shri Anand Vaigankar that inventory of the file/records available in the office of ISLR Margao were started by him and thereafter he was transferred and said was completed by his successor Shri Savio silvera .

6. The present PIO Shri Silvera have also affirm the facts that inventory of the files were not prepared earlier as such the office order was issued for preparing the same. vide his reply dated 5/5/17 he contended that when the list of the inventory of files was still in progress he directed the peon to bring the joint file of chalta no. 13 to16 of P.T. Sheet No. 134 and the said concerned filed was traced in the said bunch.
7. I have consider the submission made on behalf of both he parties .
8. It is seen from the records that the part of the information was furnished to the appellant during the proceedings before this commission after reconstituting the said file. The further information came to be furnished to the appellant on 27/10/16 during the penalty proceedings on 26/4/17.
9. Both the then PIO Shri Andnad Vaingankar and Shri Savio Silvera submitted that the inventory of the files were not prepared. The then PIO from the beginning has taken his stand that even after long search the files is not traceable in their office , Since now the file is traced the possibility of some one playing mischief in the entire process as claimed by the complainant cannot be ruled out in order to protect the interest of the some other person and as such said information was not traceable then. In the entire process the complainant herein have been made to run from pillar to post there by causing mental agony and harassment to him.

Besides that for non furnishing of information in time, he could not also redress his grievances before competent authority on priority basis thereby causing him loss and mental harassment.

10. From the records it appears that the said files were not categorized and duly indexed by the public authority nor the inventory was carried out by them . The inventory process stated only after the order is passed by this commission as such the then PIO Shri Anand Vaingankar cannot be made a scape goat for the lapse on the part of public authority for not maintaining and preserving the records properly .
11. It is observed that a practice of public authority involved herein regarding reservation of records is not in conformity with a spirit of RTI Act . It is the need of the hour that demands that every public authority shall nominate one of the each officer for the proper arrangement, maintenance and preservation of the public records under his charge.
12. Public authority must introspect that not furnishing of correct and complete information lands the citizen before FAA and also before his commission resulting into unnecessary harassment of the common men which is socially abhorring and legally impermissible therefore some sought of compensation helps social brief. As such I find the case where the request of the appellant for the compensation appears to be genuine .

In the above given circumstances I passed the order with following directions .

Order

1. The public authority is hereby directed to comply with the provision of section 4(a) and (b) of RTI Act 2005, with immediate effect.
2. The public authority i.e the office of the inspector of land and survey, records city survey, Margao, Goa Shall pay to the appellant Dadu Sawant a sum of 2000/ directly as compensation

for causing hard ship and for causing mental agony and harassment in seeking the information.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa