

GOA STATE INFORMATION COMMISSION

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

Shri Prashant S. P. Tendolkar
Chief Information Commissioner

Penalty NO.22/2017

In

Appeal NO.10/SCIC/2016

Shri Rabindra A. L. Dias,
Dr. Pires Colony, Block "B"
Cujira Santa –Cruz, Tiswadi –Goa. Appellant

V/s

1) The Public Information Officer,
O/o The Mamlatdar of Salcete,
Margao, Salcete –Goa. Respondent.

Penalty 22/2017

Dated:04/10/2017

O R D E R

1. While disposing the appeal by order, dated 17/02/2017 this commission has directed the PIO to show cause as to why action under section 20 (1) and/or 20(2) of The Right to Information Act 2005(Act) should not be initiated against the PIO.

2. In response to the said notice PIO has filed his reply wherein it is contended that the information as ordered by this commission has been furnished to the appellant on 04/05/2017 the copy of the acknowledgement from the appellant is filed on record. In the circumstance I find no reason to discuss anything regarding the information as sought by the appellant.

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3. Coming to the point of penalty, the PIO submitted that the information as sought by the appellant was containing 33 points and was voluminous and the delay was caused for tracing the file pertaining to the said information. According to him the PIO was busy with ZP Election followed by the Municipal Election where the PIO was Assistant Returning Officer.

4. It is further according to the PIO that during the course of first appeal the appellant was made available of all the files which was inspected by the appellant and copies were also furnished to him.

5. When the PIO has filed the additional reply the appellant was not present and as such no clarification could be sought from him. However, considering the records it is seen that by his application dated 24/12/2014, the appellant has sought information on 33 points. All these requirements were in the form of inspection as also Xerox copies. The said information thus was admittedly voluminous and cannot be excepted to be furnished within such short time of 30 days.

6. Hon'ble High Court of Bombay, Nagpur bench in (***LPA NO.276/2012 in WRIT PETITION NO.3818/2010 (D) The State Information Commissioner V/S Mr. Tushar Dhananjay Mandlekar***), while disposing a writ petition involving voluminous information has observed :

"It is apparent from a reading of what is stated above that instead of seeking

information on some specific issues, the respondent sought general information on scores of matters. The application is vague and the application does not make it clear to the Information Officer as to what information is actually sought by the respondent from the Officer. It was literally impossible for the appellants, as pointed by the learned Assistant Government Pleader, to supply the entire information sought by the respondent to the respondent within a period of 30 days. The documents ran into 3419 pages. We had asked the respondent while hearing of this letters patent appeal as to what action did the respondent take in pursuance of the information sought by the respondent after the information was supplied and it was replied by the respondent appearing in person that nothing was done on the basis of the information supplied by the appellants as there was some delay in supplying the information. It is really surprising that thousands of documents are being sought by the respondent from the authorities and none of the documents is admittedly brought into use. We are clearly of the view in the aforesaid backdrop that the application was filed with a mala fide intention and with a view to abuse the process of law.”

7. 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."

8. Considering the above ratio I find that delay in furnishing information in the present case which required information on 33 points in the form of inspection and also certified copies, cannot be held as intentional or deliberate and hence I find that this is a fit case for withdrawal of the notice issued by this commission.

9. In the above circumstances the notice, dated 17/2/2017 issued by this commission stands withdrawn.

Proceeding closed.

Pronounced in the open proceeding.

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