

**GOA STATE INFORMATION
COMMISSION**
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

Penalty No.09/2017
in
Appeal No.102/SCIC/2016

Manjit R. Pprob,
Swami Krupa, Bungalow,
C-31, G, Sapana Harmony,
Gogol, Margao-Goa. Appellant

V/s

The Public Information Officer,
Parvatibai Chowgule College,
P.O. Fatorda, Gogol,
Margao-Goa. Respondent.

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

Initiated on 31/01/2017

Disposed on: 29/05/2017

ORDER

1) This commission while disposing the present appeal by order dated 31/01/2017 by partly allowing the same, directed the PIO to furnish to the appellant free of cost within 10 days from the receipt of the said order, the copies of (i) Minutes of the meeting held on 07/09/2015 and 12/10/2015 and (ii) copy of the letter referred in reply to point 2 (I) in reply, dated 13/07/2016 alongwith copy of unclaimed envelop.

By the said order the PIO was further directed to show cause as to why action as contemplated under section 20(1) and/or 20(2) of the Right to Information Act 2005(Act) should not be initiated against him for delaying the information.

...2/-

2) Pursuant to the said order, on 15/03/2017, the PIO filed the reply. As per the version of the PIO, vide said reply, the subject matter of the information was more closely connected with the functioning of another public authority. The application was forwarded to the chairman of standing committee on prevention of sexual harassment and inform the applicant vide letter No.34/1724 and that the said information is already furnished. It is further version of the PIO that he was under bonafide belief that as the information sought pertains to conciliation, inquiry proceeding, recommendation of internal committee or the local committee which are not to be published or communicated and hence exempted under section 8 and 9 of the RTI Act.

According to the PIO there is no deliberate intention to avoid orders of this commission and that the information has been delayed due to inadvertent error. With these reasoning the PIO prayed for leniency.

3) With respect to the order for furnishing information, the PIO clarified that there is an error in mentioning the dates of the meeting and according to him there were no meeting held on 07/09/2015 and 12/10/2015 as were wrongly mentioned and that the actual dated of such meeting is 29/09/2015 and 03/10/2015 and that the minutes of this meeting is already furnished to the applicant. With reference to the order at point (ii) the PIO has furnished the same with an explanation that the same was not sought by the appellant earlier.

...3/-

4. In the course of proceedings on with the appellant, she submitted that she had received the said information today and that as the actual dates of the meeting were on 29/09/2015 and 03/10/2015 the relevant information is also received by her. Considering the above submissions I find that no intervention of this commission is required as far as furnishing the information is concerned. Needless to state that the appellant shall be entitled to seek further information if required in view of the said clarification.

5. Coming to the explanation given and cause shown by the PIO and on scrutiny of the records, I find that the information sought was pertaining to the inquiry conducted by committee constituted under The Sexual Harassment of women at work place(prevention, prohibition and redressal) Act 2013. The said meeting was chaired by Chairperson of Prevention Prohibition and Redressal of sexual harassment committee (PPRSHC). It is the contention that the records of the said meetings were with the said committee and only final report was given to the PIO. As the information sought pertain to the entire proceeding the same was sought from the Chairman of the said committee only after application filed by the appellant and that it was delayed as the chairman was not available for some time. I find the above submission as probable. Hence the delay in furnishing the information by the chairman of the said committee to the PIO has also contributed the delay in furnishing information.

6. The Hon'ble High Court of Bombay, Goa bench at Panaji, while dealing with a case of penalty (***Writ petition***

...4/-

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."

7. Considering the above ratio I find that the delay in furnishing information cannot be attributed solely to the PIO and hence the same cannot be held to be deliberate or intentional.

8. In the facts and circumstances, I hold the explanation furnished by the PIO as sufficient cause for delay. Considering further that there are no antecedents against the present PIO before this commission I find it appropriate to discharge the PIO by withdrawing notice, dated 31/01/2017, which I accordingly do.

9. In the result the notice, dated 31/01/2017 stands withdrawn.

Proceeding closed.

Order to be communicated.

Sd/-

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