

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

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Appeal No. 09/2023/SCIC

Mr. Brutano Peixoto,
R/o. H.No. 56/2, Cavorim,
Covatem, Chandor, Salcete,
Goa 403714.

.....Appellant

V/S

1. The Public Information Officer (PIO),
Office of Superintendent,
Administration Branch,
Police Head Quarters,
Panaji-Goa 403001.

2. The First Appellate Authority,
Superintendent of Police,
Head Quarters, Panaji-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 03/01/2023

Decided on: 31/07/2023

FACTS IN BRIEF

1. The Appellant, Mr. Brutano Peixoto, r/o. H.No. 56/2, Cavorim, Covatem, Chandor, Salcete-Goa vide his application dated 26/07/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Office Superintendent, Office of the Director General of Police, Police Head Quarters, Panaji-Goa.
2. The said application was responded by the PIO on 22/08/2022, in the following manner:-

"Please refer to your application dated 26.07.2022 on the subject cited above. The same was received in this office on 29.07.2022.

The information pertaining to this Office and available on records of this Office is as under:-

<i>Pt.No.</i>	<i>Question</i>	<i>Reply</i>
<i>1.</i>	<i>As per your application point no. 1 to 4</i>	<i>Application / Representation is under consideration and the information will be produced after finalization of the same.</i>

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Superintendent of Police, Head Quarters at Panaji-Goa being the First Appellate Authority (FAA).
4. The FAA vide its order disposed off the said appeal on 06/10/2022, without granting any relief to the Appellant.
5. Aggrieved and dissatisfied with the order of the FAA dated 06/10/2022, the Appellant landed before the Commission with this second appeal under Section 19(3) of the Act.
6. Notices were issued to the parties, pursuant to which the Appellant appeared in person on 21/02/2023, the PIO, Shri. Vasudev Garudi appeared and filed his written submission on 21/02/2023. On going through the RTI application, it revealed that, the Appellant is seeking information with regards to his own information maintained by the public authority. Considering the same, the Commission directed the PIO to furnish the information to the Appellant on next date of hearing and matter was posted for compliance on 17/03/2023.
7. During the course of hearing on 17/03/2023, the PIO, Shri. Vasudev Garudi appeared and furnished bunch of documents to the Appellant and submitted that he has furnished all the available information to the Appellant and matter was fixed for clarification on 05/04/2023.
8. In the course of hearing on 04/05/2023, the Appellant, Mr. Brutano Peixoto appeared and submitted that he is satisfied with the

information provided by the PIO, however he stressed upon to impose penalty on the PIO for causing delay in furnishing the information.

9. Perused the pleadings, written submission of the PIO and scrutinised the documents on record.

10. In the present case, the application under Section 6(1) of the Act was filed on 26/07/2022, same was responded by the PIO on 22/08/2022 thereby informing the Appellant that his application is under consideration and eventually all the available information has been provided to the Appellant on 17/03/2023. If the information is not in the custody of the PIO at the relevant time, there is nothing wrong on the part of the PIO to seek time in furnishing the information. This is not the case where the PIO is unwilling to provide the information. On the contrary, upon the direction of the Commission, the PIO has promptly furnished the information to the Appellant on next date of hearing.

11. No doubt, it is true and correct that there is delay in furnishing the information, however, said delay is marginal delay.

12. The High Court of Bombay, Goa Bench at Panaji in case **Public Authority Officer of Chief Engineer, Panaji v/s Shri. Yeshwant Tolio Sawant (W.P. No. 704/2012)** while considering the marginal delay has observed as under:-

"6. The question, in such a situation, is really not about the quantum of penalty imposed, but imposition of such a penalty is a blot upon the career of the Officer, at least to some extent. In any case, the information was ultimately furnished, though after some marginal delay. In the facts and circumstances of the present case, the explanation for the marginal delay

is required to be accepted and in fact, has been accepted by the learned Chief Information Commissioner. In such circumstances, therefore, no penalty ought to have been imposed upon the PIO.”

13. The High Court of Punjab in the case **State of Punjab & Ors. v/s State Information Commissioner & Ors. (LNIND 2010 PNH 2809)** has observed as under:-

"The delay was not inordinate and there was no contumacious misconduct on the part of the officer to supply to the petitioner the information. The penalty provisions under Section 20 of the RTI Act are only to sensitize the public authorities that they should with all due alacrity and not hold up the information which a person seek to obtain. It is not every delay that should be visited with penalty.”

14. In the above facts and circumstances, the Commission is not inclined to impose penalty on the PIO as prayed by the Appellant. The appeal is disposed accordingly with the following:-

ORDER

- The appeal stands dismissed.
- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner