

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

**Penalty Case No. 20/2009  
In  
Appeal No. 261/SIC/2008**

Mrs. Maria Rita George,  
H. No. 399, Tolleaband,  
Loutolim,  
Salcete – Goa

... Complainant.

V/s.

1) Public Information Officer,  
Administrator of Comunidades of  
South Zone,  
Margao – Goa

... Opponent.

2) The First Appellate,  
Additional Collector-I,  
South Goa District,  
Margao – Goa

Complainant alongwith Adv. Shri Correia.  
Opponent No. 1 in person.

Dated: 26.07.2010

**ORDER**

By Order dated 26.11.2009 passed in Appeal No. 261/SIC/2008 A Show Cause Notice was issued to the Opponent for explanation on delay caused in providing information to the Complainant.

2. The contention of the Complainant is that there was an inordinate delay of 352 days and requires imposition of penalties and recommend disciplinary proceedings against the Opponent. In the reply to the Show Cause Notice the Opponent stated that the reply dated 25.09.2009 filed in Appeal No. 261/SIC/2008 to be taken into consideration for explaining the circumstances for delay and that the Escrivao of Comunidade did not furnish the information in time and that the Opponent issued memorandum to all the concerned Escrivaos for not providing the information. The mere

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fact that there was a delay even though it is of long period, it does not mean that invariably the penalties are required to be imposed on and disciplinary proceedings to be recommended to the Public Information Officer. In order to attract the provisions of section 20 of the RTI Act on the question of penalties and recommending disciplinary proceedings the delay should be intentional or deliberate. These proceedings under RTI are akin to the criminal proceedings and as in criminal law, the intention is an essential element so also under RTI Act for imposition and recommending disciplinary proceedings the delay should be intentional or deliberate. Now, the question is whether the Opponent acted intentionally or deliberately for the delay in providing the information.

3. The information was sought on 26.05.2008 and after this date the Opponent took charge as Public Information Officer in the Public Authority of Administrator of Comunidade on 06.06.2008 and on 01.07.2008 issued a circular to all the Comunidades to provide the information. According to the Opponent eighty two Comunidades out of ninety Comunidades within the jurisdiction of Administrator of Comunidades, South Zone, Margao, provided the information and as the Opponent was awaiting the information of the remaining eight Comunidades, there was a delay in giving the information to the Appellant. The Complainant preferred First Appeal on 19.08.2008 and on 19.11.2008 the First Appellate Authority sent a reminder to the Opponent to provide the information within two days. It appears that there are ninety Comunidades under Administrator of Comunidade, South Zone and the Opponent being the Public Information Officer to all these Comunidades it is a difficult task for the Opponent to seek assistance u/s. 5(4) from each and every Escrivao or Registrar of the Comunidades spread throughout the Talukas for obtaining the information under RTI Act and subsequently provide the same to the Complainant. It is not proper that one Public Authority should be the Public Information

Officer to all the Comunidades under the respective jurisdiction. Each Comunidade should have its own Public Information Officer to decide the applications for information under RTI Act and the Public Authority of the Administrator of Comunidade should be the First Appellate Authority instead of Additional Collector in their respective zones. In this manner the workload on the Administrators as the Public Information Officer will be reduced and the Public Information Officer in each Comunidade will be in a position to provide information efficiently and expeditiously in consonance with the spirit of the RTI Act.

3. Considering that information was sought on 26.05.2008, the fact that the Opponent took charge as Administrator of Comunidade, South Zone, Margao on 06.06.2008 and issued a circular on 01.07.2008 to all the Comunidades within the jurisdiction to provide the information, the fact that within the jurisdiction of the South Zone there are ninety Comunidades out of which eighty two provided the information and the Opponent awaited the reply of the remaining eight Comunidades; it indicates there was no intentional or deliberate delay in providing the information to the Complainant. However, the Complainant was put to much inconvenience and mental tension in obtaining the information sought for which the Complainant requires to be compensated. Hence, the following directions:

- 1) The Opponent to be careful and diligent while dealing all matters under RTI Act and endeavour to promptly decide the applications under RTI Act.
- 2) Compensation of Rs. 2,500/- to be paid to the Complainant from the funds of the Public Authority – Administrator of Comunidades, south Zone, Margao.
- 3) Copy of the Order to be sent to the Chief Secretary, Government of Goa.

**Sd/-**  
**(Afonso Araujo)**  
**State Information Commissioner**