

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

**Penalty Case No. 13/2008
In
Appeal No. 15/SCIC/2008**

Shri Joe D'Souza,
H. No. 11, Near Custom House,
Panaji – Goa

... Complainant.

V/s.

1) Public Information Officer,
The Commissioner,
Corporation of City of Panaji,
Panaji – Goa

... Opponent.

2) Shri Mariano Fernandes,
Accounts Taxation Officer,
Corporation of City of Panaji,
Panaji – Goa

Adv. R. Satardekar for the Complainant.
Opponent, Shri Melwyn absent.

Dated: 31.03.2010

ORDER

In the Order dated 20.10.2008 passed in Complaint No. 15/SCIC/2008 this Commission on the observation that there are reasons to presume that the Public Information Officer did not take diligent steps in discharging his responsibilities under the RTI Act in that case as well, issued a show cause notice on why penalties should not be imposed on the then Commissioner of City of Corporation of Panaji, Panaji. On the hearing of 04.12.2009 the Opponent, Melwyn Vaz appeared and sought time to file the reply and subsequent hearings he did not file any reply and remained absent.

2. Shri Satardekar submitted that maximum penalty of Rs. 25,000/- be imposed as the Opponent is a habitual violator of the provisions of RTI Act and that in penalty Case No. 9/2008 a penalty of Rs. 10,000/- was imposed on this Public Information Officer and

...2/-

in another penalty Case No. 19/2008 Rs. 5,000/- was imposed and inspite of the penalties imposed on him this Public Information Officer continues violating the provisions of RTI Act and that maximum penalty of Rs. 25,000/- be imposed, recommend disciplinary proceedings against said Melwyn Vaz and the Complainant be paid compensation.

3. The information sought by the Complainant consists of inspection of files and copies of the documents. The request for inspection of files which was received by the Opponent on 13.03.2008 it was granted to and received by the Complainant on 18.04.2008. This inspection should have been completed on or before 12.04.2008 and as the inspection took place on 05.05.2008 there was a delay of twenty three days for the inspection of documents. Regarding providing of documents the information was sought on 12.05.2008 and the communication dated 11.06.2008 was dispatched only on 18.06.2008 and excluding the period of thirty days there is a delay of seven days in providing the documents required. Combining this delay for giving inspection of the documents and of providing the documents required, there is a delay of thirty days. There is nothing on record from the Complaint No. 15/SCIC/2008 nor in these penalty proceedings any explanation on the part of the Opponent to explain this delay. In spite of giving an opportunity in these proceedings to the Opponent to file the reply, the Opponent chose to remain absent thereby the delay caused by the Opponent remained unexplained. Considering the delay was more in respect of inspection of the documents rather than delay in providing the information, a lenient view is required to be taken.

4. Though the Public Information Officer has to provide the information under RTI Act either by way of inspection or furnish the documents from records, an obligation is cast on the Public Authority of Corporation of City Panaji to maintain all the records duly catalogued and indexed in order to facilitate in obtaining the

information. In fact, it is mandate on the Public Authorities to comply with the provisions u/s. 4(1) (a) of the RTI Act. It appears that the records with the Public Authority are not maintained properly and it is difficult for the Public Information Officer to locate those records and in the process delay in caused to provide information. In such circumstances the Appellant is required to be compensated for the inconvenience and mental tension undergone for the delay in obtaining the information. Hence, the following directions:

- 1) A fine of Rs. 1000/- is imposed and to be paid by the then Public Information Officer, Commissioner of Corporation of City of Panaji, Melwyn Vaz.
- 2) Compensation of Rs. 2,000/- is awarded to the Complainant. This amount to be paid from the funds of the Public Authority, Corporation of City of Panaji, Panaji.

Sd/-
(Afonso Araujo)
State Information Commissioner

