

GOA STATE INFORMATION COMMISSION
AT PANAJI

CORAM: Shri. M. S. Keny, State Chief Information Commissioner

Appeal No. 216/SCIC/2010

Shri Roque Pinto,
Shri Milagres Moraes,
F/6, Chamundi Apartments,
Martieres Dias Road,
Margao –Goa.

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Appellants

V/s

1. The Chief Officer,
Margao Municipal Council,
Margao –Goa.

...

Respondent No.1.

2. The Directorate of Municipal
Administration/Urban Development,
Collectorate Building, Gr. Floor,
Panaji –Goa.

...

Respondent No.2.

J U D G M E N T
(08.12.2010)

1. The Appellants, Shri Roque Pinto and Shri Milagres Moraes, have preferred this Appeal praying to direct Respondent No. 1 to furnish the information requested by them and for disciplinary action.

2. The brief facts leading to the present appeal are as under:-

That the appellants sought certain information under Right to Information Act ('RTI' Act for short) from the Respondent No. 1/PIO. That the Respondent No. 1 did not provide the information sought within the statutory period as required under Right to Information Act. Being not satisfied the appellant preferred the Appeal before the First Appellate Authority. After hearing the parties the FAA ordered " the Respondent shall furnish the information to the Appellant within 7 days from the date of order i.e. 26/08/2010 without charging fees". It is also observed by FAA that information is not provided within statutory period. It is the case of the Appellants that inspite of the order passed by Respondent No. 2, the Respondent No. 1 has failed to furnish the information. Since

information has not been furnished and being aggrieved the appellants have preferred the present appeal.

3. Notice was issued to Respondent no. 1 and 2. Both remained absent however Shri S. Naik Engineer, representative of respondent No. 1 was present. Smt. Savita Angadi was present on behalf of Respondent No. 2. Respondent No. 2 filed the reply. However no reply is filed on behalf of Respondent No. 1.

In his reply Respondent No. 2 states about appeal filed and about order passed.

4. Heard the appellant and perused the records. Since respondents are absent I am proceeding on the basis of record.

It is seen that by application dated 28/05/2010 the Appellants sought certain information from the Respondent No. 1. Since no reply was given within the statutory period of thirty days. The Appellant preferred an appeal. By order dated 31/08/2010. The appeal was allowed and Respondent No.1 was directed to furnish the information within seven days. It appears that the same is not furnished so far and as such the Appellants landed in this Commission.

5. It is to be noted here that right to know is a basic right of citizens of a free country. Without adequate information a person cannot form an informed opinion. The Right to information Act 2005 has been enacted to provide for a legal right to information for citizen to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The citizens and information seekers have, subject to few exemptions, an overriding right to be given information on matters in possession of State and Public Agencies that are covered by the Act.

It is pertinent to note that, RTI Act in general is the time bound programme between the Administration and the citizen requesting information and every step will have to be completed within the time for

presentation of request and disposal of the same presentation of First Appeal and disposal by First Appellate Authority.

6. Looking at the factual backdrop of the case, this appeal is for non-execution of the order of First Appellate Authority dated 31/08/2010. Apparently the Appellant has no grievance against FAA. Under section 19(3) of the RTI Act, second Appeal lies only against the order of First Appellate Authority. However, in the ends of justice and in true spirit of RTI Act, I am proceeding with the same as the grievance of the Appellant is non-furnishing of Information.

In any case PIO/Respondent No. 1 will have to furnish the said information.

7. Now it is to be seen whether there is any delay. Apparently there is delay in furnishing the information as contended by the Appellant. However, Public Information Officer/Respondent No. 1 should be given an opportunity to explain the same in the factual matrix of this case.

9. In view of all this the Respondent No. 1 has to furnish the information as sought by the Appellant and as ordered by FAA. Since there is delay the Respondent No. 1 is to be heard on the same. Hence I pass the following order:-

ORDER

Appeal is allowed. The Respondent No. 1 is directed to furnish the information to the Appellant as sought by application dated 28/05/2010 and as ordered by First Appellate Authority within 15 days from the receipt of this order and report compliance.

Issue notice under section 20(1) of the RTI Act to Respondent No. 1/Public Information Officer why penalty action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 06/01/2011. Public Information Officer/Respondent No.1 shall appear for hearing.

Further inquiry posted on 06/01/2011 at 10.30 a.m.

Pronounced in the Commission on this 8th day of December, 2010.

Sd/-
(M. S. Keny)
State Chief Information Commissioner

