

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 387/SCIC/2010

Dr. Ketan S. Govekar,
R/o. Wadji Bldg.,
St. Inez, Panaji –Goa.

... Complainant

V/s

1) The Public Information Officer,
Mr. Edwitrn Cortes,
Dhempe College of Arts & Science,
Miramar, Panaji.

... Opponent No.1.

2) Dr. S.V. Deshpande,
First Appellate Authority,
Dhempe College of Arts & Science,
Miramar, Panaji.

... Opponent No.2.

Complainant in person.

Opponent No. 1 and 2 absent.

O R D E R
(07/12/2010)

1. The Complainant , Dr. Ketan S. Govekar, has filed the present Complaint praying that the information as requested by the Complainant be furnished to him correctly free of cost as per section 7(6); that the penalty be imposed on the Public Information Officer as per law for not giving information to the Complainant and that compensation may be granted as for the detriment faced by the Complainant.

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

That the Complainant had filed an application dated 28/01/2010 under Right Information Act ('RTI' Act for short) seeking certain information from the Public Information Officer ('PIO')/Opponent. That the opponent has failed to furnish information, which is in violation of RTI Act. That since Information was refused complainant preferred the appeal before the First Appellate Authority. The FAA ought not to have heard the appeal but heard the same and passed the order without specifying the period. Being aggrieved by both the orders the complainant preferred the present complaint on various grounds as set out in the Complaint.

...2/-

3. It is the case of the opponent that certain information was not received by the Public Information Officer in time and as such the information could not be furnished to the Complainant. The written statement of the opponent No. 1 is on record.

The opponent No. 1 had sent an application stating that he was on leave and praying that matter be kept on February 2011. In any case the presence of opponent No.2 is not required in the instant case as the grievance of the Complainant against this opponent NO. 2 is limited.

4. Heard the arguments of the Complainant as well as opponent No. 1.

According to the Complainant no information has been furnished. Opponent submitted that the relevant information is with another authority i.e. officer. He is not the custodian of information.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief is to be granted or not.

It is seen that the application is dated 28/01/2010. There is no reply on record regarding this information. It is seen from the written statement that the information asked from the concerned authorities has not been received by PIO. In any case PIO has to furnish information. As per order of FAA partial information is ready, however, the same is not furnished. In any case opponent No.1 will have to furnish the information.

6. Now it is to be seen whether there is any delay in furnishing information.

It is to be noted here that Right to Information 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, presentation of request and disposal of the same and presentation of First Appeal and disposal by the Appellate Authority.

...3/-

7. Complainant has also attacked the order of F.A.A. as most of the information pertains to him. From the order on record is seen that F.A.A. has granted the request but has not fixed the time. Suffice it to say that principles of natural justice must be followed..

8. In view of the above the complaint is to be allowed and prayers (i) and (ii) are to be granted. Hence I pass the following order:-

O R D E R

The Complaint is allowed. The Opponent No. 1 is hereby directed to furnish the information as requested by the Complainant vide his application dated 28/01/2010 within 15 days from the date of receipt of the order.

Issue notice under section 20(1) of the Right to Information Act to opponent No. 1/ PIO to show cause 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 05/01/2011 PIO/Opponent No.1 shall appear for hearing.

Further inquiry posted on 05/01/2011 at 10.30 am.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 7th days of December, 2010.

Sd/-
(M. S. Keny)
Chief Information Commission

