

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Complainant NO.529/SCIC/2010**

Smt. Sheetal S. Navelkar,  
H.No. 327, Khalap Waddo,  
Canca, Bardez –Goa

... Complainant

V/s  
The Public Information Officer,  
Secretary Village Panchayat,  
Verla-Canca, Bardez –Goa.

... Opponent.

Complainant absent. His representative Shri S. S. Navelkar present.  
Adv. Smt. Bhohe present.

## **O R D E R** (22/02/2011)

1. The Complainant, Smt. Sheetal S. Navelkar has filed the present Complaint praying that information be provided to her and that penalty be imposed for not providing information in time.
2. It is the case of the Complainant that vide application dated 16/04/2010 the Complainant sought certain information under Right to Information Act, 2005('RTI' Act for short) from the Opponent/Public Information Officer (PIO).That the same was not furnished within the statutory period. Being not satisfied the complainant preferred First Appeal before the FAA and by order dated 20/08/2010 the FAA directed the Opponent to furnish the information within 7 days. Since no information was furnished the Complainant filed the present complaint.
3. The opponent resists the complaint and reply of the opponent is on record. It is the case of the opponent that the information as sought by the complainant vide his application dated 16/04/2010 is not available in the Office of Village Panchayat of Verla Canca , Bardez. That the information was vague and did not give any details as regard the alleged documents. That by letter dated 31/05/2010 the opponent sought for the details/clarification of the documents required by the complainant so as to verify the records of the Village Panchayat of Verla-Canca.

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However, the complainant did not specify. It is the case of the opponent despite thorough search in the office of Village Panchayat no documents were available that the documents sought by the Complainant are not available in the office of the Village Panchayat. It is further the case of the opponent that on 20/08/2010 the opponent was not on duty on account of the death of his mother. That nobody appeared before the BDO in the First Appeal to place the aforesaid facts namely that the document sought by the complainant are not available with the Village Panchayat. That on receipt of the present complaint, the opponent again made thorough search but the document could not be found. The opponent therefore is not in a position to furnish the information.

4. Heard the arguments Shri S. S. Navelkar argued on the behalf of the Complainant and Adv. A. Bhohe argued on behalf of Opponent. Shri Navelkar referred to the facts of the case as well as the application on record. That since no information furnished he preferred the appeal and he then referred to the First Appeal and also the reply which are on record.

Adv. Shri Bhohe submitted that application itself is in doubt. He next submitted that information is not available. He also referred to the reply para 4 & 6. According to him opponent is not in a position to furnish information as the same is not available.

According to Shri Navelkar, on behalf of Complainant, documents are very much there.

5. I have carefully gone through the records of the case and also considered the arguments of the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not. It is seen that by application dated 16/04/2010 the Complainant sought certain information from the opponent. It is seen from records that no reply was given within 30 days. It is seen by letter dated

04/06/2010 the complainant informed the Block Development Officer, Mapusa that no information was furnished. It is seen on 31/05/2010 the opponent sent a letter to the Complainant requesting to specify the type of document required by her. Again there is another letter from the opponent dated 31/05/2010 informing the complainant to collect the document which she has asked and this is with reference to the application dated 16/04/2010. It is seen that on 26/06/2010 the Complainant specified and clarified the information sought. However no reply was furnished. It is seen appeal was preferred and by order dated 20/08/2010. The opponent was directed to handover the information within 7 days. It is pertinent to note here that the opponent has stated that information is not available on the contrary by letter dated 31/05/2010 the opponent called the complainant to collect the information. It is for the first time before this commission the opponent states that document are not available. It is to be noted further that FAA has already ordered to furnish the information. However the same order is not complied. Infact, the present complaint is for non-compliance of the order of the First Appellate Authority. Under the RTI Act an information seeker is entitled to the information which is available with the public authority. Non-existent information can not simply be furnished however in the case before me the opponent never states that information is not available it is first time before this Commission he states about the same. In any case the opponent to comply with the order of the FAA.

6. Now it is to be seen whether if there is any delay in furnishing the information. It is to be noted here that RTI Act in general is time bound programme between Administration and 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 the Appellate authority.

According to Complainant, there is delay whereas according to the Adv. for the Opponent there is no delay as such. Looking at the facts of the case and reply on record apparently there is delay. However, the PIO ought to be given an opportunity to explain about the same in the factual matrix of the case.

In view of all the above the opponent to furnish the information as sought by the Complainant.

Since there is delay the opponent is to be heard on the same. Hence I pass the following order:-

**O R D E R**

The opponent is hereby directed to furnish the information sought by the Complainant vide application dated 16/04/2010 and specified/ clarified by application dated 26/06/2010 within 15 days from the receipt of this order.

Issue notice under section 20(1) of the RTI Act to opponent/PIO to show cause why penalty action should not be taken against him for causing delay in furnishing the information. The explanation, if any, should reach the Commission on or before 31/03/2011. The Opponent/Public Information Officer shall appear for hearing.

Further inquiry posted on 31/03/2011 at 10.30 am.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 22<sup>nd</sup> day of February, 2011.

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



