

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 478/SIC/2010

Shri Pramod Sadashiv Sansgiri,
R/o. Flat No. 3, 1st Floor,
Sunflower Apts.,
Opp. St. Andrews Church,
Vasco-da-Gama-Goa

... Complainant.

V/s

1) Public Information Officer,
Village Panchayat Sancoale,
Office of the Village Panchayat Sancoale,
Sancoale-Goa

... Opponent No. 1.

2) First Appellate Authority,
Block Development office of the
Block Development officer, Mormugao Block,
Our Lady of Guia Bldg.,
Vasco-da-Gama, Goa

... Opponent No. 2.

Complainant present in person.

Opponents absent.

Adv. Smt. Harsha Naik for Opponent No. 1.

O R D E R

(21.02.2011)

1. The Complaint, Shri Pramod S. Sansgiri, has filed the present Complaint praying that the Opponent be directed to furnish the information asked after sorting out the same. That appropriate penalty be imposed on the Opponent and that disciplinary proceedings may be recommended against the Opponent.

2. The case of the Complainant has been fully set out in the Complaint. In short, it is the case of the Complainant that after reading the daily newspaper Lokmat, Tarun Bharat dated 22.03.2010 and Gomantak on 23.03.2010 the Complainant had asked for information regarding the construction of drain near the Spring of the Sanctuary of Blessed Joseph Vaz under Right to Information Act, 2005('RTI Act' for short) vide letter dated 24.03.2010. That Opponent No. 1 by his letter dated 01.04.2010 asked the Complainant to specify the type of details required. That the Complainant in his letter dated 05.04.2010 asked the detailed information under RTI regarding the construction of drain. That the Opponent No. 1 in his letter

dated 23.04.2010 did not furnish the information citing the reason that the file was forwarded to Block Development Officer, Mormugao for scrutiny of tender and approval. It appears that the Complainant thereafter filed another application dated 08.06.2010 seeking certain information regarding construction of nullah from the Opponent No. 2 and again on 09.06.2010 asked certain information regarding the project proposed and approved from the Opponent No. 2. It is seen that Complainant in his application dated 10.06.2010 again sought certain information regarding the improvement of nullah from the Opponent No. 2. That the Opponent No. 2 in his letter dated 14.06.2010 informed the Complainant that application dated 08.06.2010, 09.06.2010 and 10.06.2010 were transferred under section 6(3) to Village Panchayat Sancoale and directed the Opponent No. 1 to furnish the required information directly to the Complainant. It is the case of the Complainant that Opponent No. 1 in his letter dated 19.06.2010 informed that the said information cannot be provided since the Panchayat has not received the file from the Block Development Officer, Mormugao. By letter dated 14.06.2010 the Complainant again sought certain information regarding construction of nullah from the Opponent No. 2. It is further the case of the Complainant that Opponent No. 2 in his letter dated 19.06.2010 informed that the said information cannot be provided since the Panchayat has not received the file from the Block Development Office, Mormugao. Since information was not furnished the Complainant has preferred the present Complaint.

3. The Opponent resists the Complaint and the reply of Opponent No. 1 is on record. It is the case of Opponent No. 1 that the present Complaint is not maintainable due to following reasons:

(a) That no First Appeal was preferred.

(b) That Complainant has clubbed all the applications in one complaint which is not permissible as per the RTI Act and

(c) That no court fees are affixed to the application as required under RTI Act.

The Opponent also denies that the information provided is false and misleading. It is the case of the Opponent No. 1 that since the application dated 24.03.2010 was vague this Opponent requested the Complainant to give the exact details. That the Opponent furnished the information as regards para no. 1 except (f) (j) and as regards para no. 2 the same was with Opponent No. 2 and regarding para No. 3 except (d) all information was furnished and regarding para No. 4 to 9 the same is in possession of Opponent No. 2/Block Development Officer. It is further the case of Opponent No. 1 that Opponent No. 2 transferred the application under section 6(3) to this Opponent. Further vide letter dated 19.06.2010 Opponent No. 1 accordingly informed the Complainant that the Panchayat has not received the file from the Block Development Officer and the information sought is in possession of Opponent No. 2. That the said file is still with Block Development Officer and the same has not been received by the Opponent. According to Opponent No. 1 the present Complaint does not lie and the same be dismissed.

4. Heard the arguments. The Complainant argued in person and Adv. Smt. Harsha Naik argued on behalf of Opponent No. 1.

Applicant referred to the facts of the case in detail. He referred to the application dated 05.04.2010 as well as reply. According to him some information has been given and some has not been given. He also referred to other applications which are on record. According to him information has not been so far furnished. Advocate for Opponent submitted that no First Appeal is preferred and as such present Complaint is not maintainable. She next submitted that no court fee has been annexed to the application. She next submitted that there are four different applications and they have been clubbed in one Complaint and that under RTI it is not permissible. She next submitted that Block Development Officer has not been added as First Appellate Authority. She next submitted that whatever was available was furnished and the same was furnished in time. She also referred to the application transferred under section 6(3).

In reply the Complainant submitted that three different applications on three different subjects were filed.

5. I have carefully gone through the records of the case and also considered arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not. It is seen that the Complainant vide application dated 24.03.2010 sought certain information from the Opponent No. 1. The information was to furnish all details of the construction of the nullah into a pucca one. By letter dated 01.04.2010 the Opponent No. 1 requested the Complainant to specify the type of details required by him. By letter dated 05.04.2010 the Complainant sent the detailed application. The same was received in the office of Panchayat on the same day i.e. on 05.04.2010. By reply dated 23.04.2010 the Opponent furnished some of the information. However, some of the information was not furnished as the same was not available in their office and the concerned file for the improvement of nullah was sent to Block Development Office, Mormugao for scrutiny of tender and approval.

6. It is seen that on 08.06.2010 the Complainant sought certain information. Then again by letter dated 09.06.2010 he sent another application seeking certain information. Thereafter he sent another letter dated 10.06.2010 seeking some more information. The letter dated 08.06.2010, 09.06.2010 and 10.06.2010 were addressed to the Public Information Officer, Block Development Officer, Vasco-da-Gama. By letter dated 14.06.2010 Block Development Officer transferred all the three letters under section 6(3) of RTI Act to Opponent No. 1 i.e. Secretary, Village Panchayat Sancoale. Again by letter dated 14.06.2010 the Complainant sought some information from the Opponent No. 1. By letter dated 19.06.2010 the Public Information Officer/Opponent No. 1 informed the Complainant that they have received three applications from Block Development Officer, Vasco-da-Gama and informed that they have replied/provided information to the Complainant vide letter dated 23.04.2010 and that they again provided further information. Since the

Panchayat have not received the file from the Block Development Officer. Again by letter dated 19.06.2010 the Opponent No. 1/Public Information Officer informed the Complainant that regarding letter dated 14.06.2010 they have already furnished the information by letter dated 23.04.2010 and that they again provided further information since the file is not received by the Panchayat from Block Development officer. It is against this background the present Complaint was filed.

7. No doubt every RTI application is to be properly stamped. The application without stamp cannot be treated as application under RTI Act. In any case Complainant has produced receipts to show that the amount is paid.

Again First Appeal is a must as provided in section 19 of the R.T.I. Act. Complaint lies as provided under section 18(1).

8. In the instant case I do not wish to touch the merits of the case. Various applications have been clubbed together. There are two P.I.Os and both have been included in the same complaint. Under R.T.I. an information seeker should get fair chance and as such, in the ends of justice, I wish to remand the matter back to the concerned PIOs so that parties may get full opportunity. Complainant should put his case before P.I.O. and also get his valuable right of First Appeal. P.I.O. on his part to deal with the application and see that records are made available. In the instant case B.D.O. has sent the application to the Opponent No. 1 to furnish the information that means at the relevant time the information was not with the B.D.O. In any case P.I.O. to handle the same.

9. In view of the above, I pass the following Order:

ORDER

The Complainant is directed to approach the P.I.O. within 2 or 3 days on receipt of this Order. The P.I.O. to deal with the application and provide information

in accordance with the provisions of R.T.I. Act. In case recourse is taken to section 6(3) (ii), to do the same within prescribed time and inform the Complainant accordingly. All this exercise to be completed within 30 days.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 21st day of February, 2011.

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

