

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 401/SIC/2010

Shri John Philip Pereira,
H. No. 520, Mazilwaddo,
Nagoa,
Salcete - Goa

... Complainant.

V/s.

Public Information Officer,
Village Panchayat of Nagoa,
Salcete – Goa

... Opponent.

Complainant in person.
Opponent in person.

O R D E R
(13.04.2011)

1. The Complainant, John Philip Pereira, has filed the present Complaint praying that the Public Information Officer be directed to grant him the information as per his application and that the Public Information Officer be penalized under section 20 of R.T.I. Act.

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

That the Complainant, vide his application dated 12.08.2009, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer (PIO)/Opponent. That the Opponent did not give the information but asked to deposit Rs.1000/- for the inspection. That the Complainant did not deposit Rs.1000/- i.e. the said amount. But filed a Complaint before the Commission bearing No. 76/SIC/2009. That the Commission vide order dated 11.11.2009 ordered the Public Information Officer to allow the inspection of the files on 19.11.2009. That after the inspection, the Complainant applied for certified copies of the documents vide application dated 29.11.2009. That by reply dated 27.12.2009 the Public Information Officer informed the Complainant that his application has failed since he had not paid the process fee, though process fee was

already paid on 26.08.2009. That the second time also information has been denied to him. Hence, the present Complaint.

3. That the reply of the Opponent is on record. It is the case of the Opponent that the subject matter of the deposit of the amount of Rs.1000/- was pertaining to the earlier complaint which was already disposed off. However as per the direction given in the order the Complainant was given inspection of records. That subsequent to the inspection carried out by the Complainant, the Complainant made a fresh application on 29.11.2009 for certified copies of the documents. However no process fee was paid by the Complainant and hence the application was rejected. That the contention of the Complainant that he has already paid the fees does not hold good. That there is no intentional denial on the part of Opponent. The Opponent denies that the information if given to the Complainant will lead to the disqualification of the Sarpanch of V.P. Nagoa. He also denies that the Opponent is protecting the Sarpanch.

4. Heard the Complainant. On the relevant day Opponent remained absent.

Complainant submits that as per the order of the Commission he is entitled to get the information free of cost.

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

It is seen that the Complainant filed an application dated 12.08.2008 seeking certain information. The information was regarding giving of inspection. By letter dated 18.09.2009 the Opponent requested the Complainant to deposit Rs.1000/- as a deposit. It appears that the Complainant preferred a Complaint before the Goa State Information Commission bearing No. 76/SIC/2009.

By Order dated 11.11.2009 the Complaint was disposed off. The relevant part of the Order is as under:

"4. The request for information sought was specific and the Complaint required that the Opponent give him a date for inspection of tender awarded by Village Panchayat. Since it is only inspection which was required, there was no need to direct the Complainant to deposit the amount of Rs.1000/- for inspection. Any amount of fees to be paid is at the time of providing information without which the information cannot be provided. The Opponent has to provide the information by way of inspection of records in question and then the Complainant to apply for copies of whichever documents he needs. It is at this point of time that the Opponent will assess the amount of fees required to be paid and intimate the Complainant accordingly in order to collect the information. If the apprehension of the Opponent is that the Complainant will not collect the copies, it can be taken care of and the interest of the public authority be safeguarded. The Opponent has to calculate the amount required for the copies, inform the Complainant of the amount to be paid for the copies, direct the Complainant to deposit this amount and upon depositing the amount, make the copies ready and provide the information to the Complainant.

5. With these observations, the Complaint is disposed off with the direction to the Opponent to give effect to the request of the Complainant dated 12.08.2009 and permit the Complainant to inspect the records regarding tender awarded by the Village Panchayat from April 1, 2007 to the date the request was made, to various contractors and receipts of payments disbursed. The date of inspection is fixed on 19.11.2009 anytime between 10:00am to 05:00pm. Needless to say, the inspection to be done on payment of fees prescribed under the rule 3(2) (d) of Goa Right to Information (Regulation of Fee and Cost) Rules, 2006. "

6. It is seen that the Complainant vide application dated 29.11.2009, sought certain information. By letter dated 22.12.2009 the Opponent informed that the Application has been filed as no fees were paid.

It is to be noted here that as per section 5(3) the Public Information Officer is under obligation to render reasonable assistance to the persons seeking information. Public Information Officer in my view ought to have told the Complainant to pay the prescribed fees. Reading of section 5, it reveals that every Public Information Officer should extend all reasonable assistance in making the information available rather than putting hurdles or finding faults.

7. Complainant submits that as per the Order passed by this Commission he was directed to apply for copies and that he applied. Of course there is no mention of free of cost in the Order. In any case there is much delay in the process and Complainant was without information for a long time.

In any case the Complainant to pay the necessary fees regarding the said application and the Opponent to furnish the information within thirty days from the date the fees are paid. In case the said application dated 29.11.2009 is not found with the Opponent the Complainant to file copy of the same. There shall be no addition to the said application. In the peculiar facts of this case the information be furnished free of cost.

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

ORDER

The Complainant to affix the necessary fees to the said application within eight days from the receipt of this Order.

The Opponent to furnish the information within thirty days from the date the required fees are paid. However, the information be furnished free of charge.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 13th day of April, 2011.

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