

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Motilal S. Keny State Chief Information Commissioner

Penalty Case No.74/2011

In

Appeal No. 229/SCIC/2010

Shri Minguel Monteiro,
H. No. 72/2, Antonio Pereira Vaddo,
Utorda, Majorda,
Salcete - Goa

... Appellant/Complainant.

V/s.

Public Information Officer,
Dy. Collector,
Margao,
Salcete – Goa

... Respondent/Opponent.

Complainant in person.
Opponent in person.

O R D E R

(11.04.2011)

1. By Order dated 20.12.2010 this Commission issued notice under section 20(1) of the R.T.I. Act to the Respondent/Public Information Officer (PIO) to show cause why penalty action should not be taken against him for causing delay in furnishing information.

2. Respondent has filed the reply which is on record. It is the case of Respondent that an application dated 03.05.2010 seeking to know the name and designation of the officer who had put his noting in case No. LRC/Illeg-Cov/87/2003. That the Respondent was under bonafide impression that information is something which is available in black and white and not by creating it in black and white. It is the case of Respondent that any given case paper and more specifically in relation to proceedings before a Quasi Judicial Authority, the name is seldom written hence it ought to be presumed as to who the authority is. That the Respondent was also under bonafide belief that information is something which is known to the party directly or indirectly and it encompasses the intent of the legislation. That the Respondent submits that there has been no intention to suppress the giving of information to the Appellant. It is further the case of the Respondent that in the event this Commission feels that the information prayed for was not

supplied in the proper form then in that event in future this type of instances would not be repeated for which an unconditional apology is tendered. The Respondent prays that no action be initiated against him and also no fine be imposed.

3. Heard the arguments. Appellant submits that there is lot of delay. According to him the same should be dealt with seriously.

During the course of his arguments the Respondent submitted that information is provided though the same was in a different fashion. According to him there is question of slight delay. According to him the Complainant knows about the name and designation and that there was no intention to hide anything. He submitted on similar lines as mentioned in his reply. According to him no penalty be imposed and there is nothing to mislead anyone.

4. I have carefully gone through the records of the case and also considered the arguments advanced by the parties.

It is seen that Appellant sought information by application dated 03.05.2010. That no reply was filed and hence treated as deemed rejected as per section 7(1) of the R.T.I. Act. On 02.08.2010 the Appellant preferred the Appeal before First Appellate Authority. It appears that on 12.08.2010 the information was furnished. According to the Appellant there is delay of about two months. Admittedly there is delay. According to Respondent No. 1 delay is unintentional as the records and proceedings of closed file were not immediately available.

I have perused the application seeking information, appeal preferred before the First Appellate Authority, etc. which are on record.

The information sought is as under:-

“Kindly give me the name and designation of the officer who has put his notings under his signature below on the note sheet of case No. LRC/Illeg-Conv/87 of 2003 stating that “Report checklist submit as hut/temporary structure hence proceeding closed as there is no conversion of land.”

According to the Respondent information is something which is available in black and white and not by creating it. I do agree that P.I.O. is expected to provide the information available in the material form with the Public Authority. P.I.O. is not required to collect and compile the information on the demand of an information seeker. However, under the R.T.I. Act this has to be informed to the concerned party within 30 days. In the case at hand the information is furnished though late. So this aspect is purely academic in the present case.

5. Now it is to be seen about imposition of penalty upon the Respondent under section 20 of the R.T.I. Act. Even though the Respondent has given explanation the fact remains that there was delay in furnishing the reply. In any case the Respondent took efforts and furnished information. In fact the delay is of two months and some 6/7 days. Under R.T.I., penalty is Rs. 250/- per day. However, in the factual matrix of this case and also considering the same as first instance I am inclined to take a very lenient view of the matter. I feel that imposition of penalty of Rs. 2000/- (Rupees two thousand only) would meet the ends of justice. Besides, the Respondent assures the Commission that in future such type of instances would not be repeated. Hope the P.I.O will follow the assurance given in the reply.

6. In view of all the above, I pass the following Order:-

ORDER

The Respondent/PIO is hereby directed to pay Rs. 2000/- (Rupees two thousand only) as penalty imposed on him today. This amount of penalty should be recovered from the salary of P.I.O./Respondent for the month of July 2011 by the Director of Accounts.

A copy of the Order be sent to the Director of Accounts, Panaji-Goa for execution and recovery of penalty from the Respondent. The said amount be paid in Government Treasury.

The penalty proceedings are accordingly disposed off.

Pronounced in the Commission on this 11th day of April, 2011.

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

