

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

Penalty case no.19/2011  
in Appeal no.241/SCIC/2010

Shri Nilesh S. Porob,  
H.No.95, ward No.9,  
Ansabhat, Mapusa-Goa

...Appellant

V/s

1. The Public Information Officer,  
Health Officer, Urban Health Center,  
Mapusa-Goa

...Respondent

Shri J.T. Shetye representative of Appellant  
Opponent in person

**O R D E R**

(24/05/2011)

1. By order dated 02/02/2011 this Commission issued notice under section 20(1) of the Right to Information Act to the Respondent No.1./P.I.O. to show cause why penalty action should not be taken against him for causing delay in furnishing information.

By the same order the Appellant was to prove that information furnished is incorrect /incomplete misleading etc.

2. That the P.I.O./Respondent has filed the reply, which is on record. It is the case of the Respondent that the information is provided to the Appellant within the stipulated time of 30 working days. That the Appellant submitted the application in the office of Urban Health Centre, Mapusa on 10/08/2010. That the letter requesting the Appellant to collect the information was posted on 17/09/2010. That from 10/08/2010 to 16/09/2010 comes to 38 days. It is the case of the Respondent/P.I.O. that P.I.O. was deputed to attend the "Training of Trainers" Training at N.I.T. Bangalore from 16<sup>th</sup> to 20<sup>th</sup> August 2010. That P.I.O. was not in office for seven days. That the delay, if any, is not done intentionally and deliberately. According to the P.I.O. the proposed penalty action may not be taken against her.

3. Heard the arguments, Shri J.T. Shetye representative of Appellant argued on behalf of Appellant. The representative of Respondent argued on behalf of Respondent /P.I.O.

According to Shri Shetye there is delay of 8/12 days . According to Respondent there is no delay as such and that information is furnished within 30 working days . He also referred about training etc.

4. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. It is seen that information was sought by application dated 10/08/2010. Letter requesting the Appellant to collect the information was posted on 17/09/2010. The information was furnished by letter dated 22/09/2010. If the date 17/09/2010 is considered the delay is of 7 days only.

It is to be noted that P.I.O. was deputed for training and was absent for about 7 days

5. Under section 20(1) of the Right to Information Act the information commission must satisfy itself that C.P.I.O./S.P.I.O. has without reasonable cause: (i) refused to receive an application, (ii) not furnished information within the specified time frame; (iii) malafidely denied information; (iv) knowingly given incorrect, incomplete or misleading information and (v) destroyed information/obstructed giving of information.

I have perused the reply of the P.I.O. and there is no reason to disbelieve the same. The delay is properly explained and the same is not malafide or intentional. Besides the delay is not much. Once it is accepted that there was no malafide intention than the natural corollary is to construe the same to be a reasonable cause within the meaning of section 20(1) of the Act.

6. P.I.O. should note that R.T.I. Act in general is the time bound programme between the administration and citizen requesting information and every step will have to be completed within the stipulated time. That the time limits should be strictly adhered to. The Respondent/P.I.O in future should see that information is furnished well within time.

7. Another aspect is about incomplete and incorrect/misleading information.

I have perused the information sought as well as reply furnished. The grievance appears to be regarding 1(d) which is as under:- (d) if you have not issued such notices please inform me when you are going to issue such notices to them.

The information furnished stating about meeting taken with councillor etc.

According to Shri Shetye this is misleading .

It is to be noted here that P.I.O. is supposed to furnish the information which is held by the Public Authority in the material form. Future course of action is not information. I do agree with Shri Shetye that it is misleading , however, the P.I.O. has stated so perhaps on account of non-appreciation of the provisions of the R.T.I. Act. The effort of the P.I.O. may be allaudable but under R.T.I. only information held is to be furnished.

I have also perused the order passed by First Appellate Authority.

In any case benefits is to be given to the P.I.O. in the factual matrix of this case.

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

### **ORDER**

Show cause notice is discharged and penalty proceedings dropped.

In view of above the inquiry is also disposed off.

The Penalty proceedings and inquiry are accordingly disposed off.

Pronounced in the Commission in this 24<sup>th</sup> day of May, 2011.

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

