

**GOA STATE INFORMATION COMMISSION**

**AT PANAJI**

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

**Appeal No.32/SCIC/2011**

Mr. Praxy F. Bhabre,  
Vithalapur, Karapur-Tisk,  
Sankhali-Goa .

... Appellant.

V/s

1) Mr. P.S.S. Bodke,  
State Registrar-cum Head of Notary Services ,  
PIO, 7<sup>th</sup> Fl. Shramshakti Bhavan,  
Patto, Panaji-Goa

...Respondent No.1.

2)The Law Secretary,  
First Appellate Authority,  
Secretariat, Porvorim

... Respondent No.2.

Appellant absent

Respondent Absent

**JUDGEMENT**

**(06/06/2011)**

1. The Appellant, Shri Praxy Fernandes Bhabre, has filed the present appeal praying that the Respondent No.1 be directed to immediately furnish the information requested by him as per his application dated 29/09/2010, free of cost as the 30 days time has lapsed, that necessary strictures be passed and penalty be levied on Respondent No.1 and 2 for causing delay etc.

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

That the Appellant, vide his application dated 29/09/2010 had sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for Short) from the Respondent No.1/Public Information Officer (P.I.O.). That respondent No.1 sent an intimation dated 02/11/2010 received by the Appellant on 12/11/2009 well beyond stipulated period of 30 days informing about the readiness of the information in the office of P.I.O.

That since intimation was received after 30 days the Respondent No.1 prepared Appeal before the First Appellate Authority (F.A.A.). That the F.A.A. heard the Appeal, however, no order was passed. Being aggrieved the Appellant has preferred the present Appeal.

3.The Respondent resists the appeal and the say of the Respondent is on records. It is the case of Respondent that the information requested by the Appellant was kept ready on 02/11/2010 and Appellant was intimated about the same and to pay the amount of Rs. 374/- and to collect the information requested by him. That the Appellant did not pay the amount nor did he collect the said information. It is the case of the Respondent that Respondent has not delayed but is within the stipulated period since the said application was transferred under section 6(3) (ii) to the District Registrar South and thereafter transferred the same to the Civil Registrar cum Sub-Registrar, Salcete. According to the Respondent the appeal is liable to be dismissed.

4. Heard the Appellant and Adv. Smt. H. Naik for Respondent no.1 and also perused the written Arguments of the Appellant which are on records.

5. I have carefully gone through the records of the case and also considered the arguments advanced. It is seen that vide application dated 29/09/2010 the appellant sought certain information. The Application was addressed to Public Information Officer, office of the State Registrar-cum-Head of Notary Services, 7<sup>th</sup> Floor, Shram Shakti Bhavan, Patto, Panaji – Goa. The information sought was regarding plots/properties sold from the village Nuvem in Salcete Taluka from 1<sup>st</sup> August 2008 till date. It is seen from record that by letter dated

02/11/2009, the Appellant was called to pay the charges of Rs. 374/- and collect the same. It appears that on 15/11/2010, the Appellant preferred an appeal contending that information ought to have been given free of cost.

According to Respondent No.1 there is no delay as the application was transferred under 6(3) (ii) to District Registrar South, who in turn transferred to the Civil Registrar-cum-sub Registrar, Salcete.

Section 6 of the R.T.I. Act, postulates that person who desires to obtain any information under the Act shall make a request in writing or through electronic means to the authorities specifying the particulars of the information sought by him under this section R.T.I. request is to be made to the P.I.O of the concerned public Authority. Under section 6(3) where an application is made to a public authority requesting an information\_\_\_\_ (i) which is held by another public Authority, or (ii) the subject matter of which is more closely connected with the functions of another public Authority.

The Public Authority, to which such application is made shall transfer the application or such part of it as may be appropriate to that other Public authority and inform the applicant immediately about such transfer.

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

6. Sub-section (i) of section 6 expressly requires that a person who desires to obtain information under the Act shall make a request along with the prescribed fee to the Public Information Officer of the concerned Public Authority specifying the particulars of the information. Sub-section (3)

carves out an exception to the requirement of the sub-section (i). As per the same where a public authority to whom an application for information is made, finds that information demanded is not with it, but is held by some other authority, it is duty bound to transfer the application for information to the concerned Authority under intimation to the applicant/information seeker. In my view sub-section (3) of section 6 cannot be read in isolation, sub-section(i) of section 6 being the main section.

From the above, it is clear that application is to be made to the Public Information Officer of concerned Department. In the case before the information was with another public Authority at Margao, though application was made to the present Respondent.

Respondent in his reply states that the application was transferred. The records do not show whether appellant was intimated . In any case considering this the Appellant ought to have Responded to the letter dated 02/11/2010, instead he preferred to file appeal. Viewed in this context there is no delay as such and even other wise the same has to be condoned in his factual backdrop of this case.

7. In the instant case the Appellant ought to have filed the Application before the concerned public Authority. The Respondent No.1 on his part ought to have transferred the same under section 6(3) of the R.T.I. Act, with intimation to the Appellant , so that appellant could deal with the concerned public authority or that public authority could intimate the Appellant directly.

8. The Respondent No.1 should note that R.T.I. Act, in general is the time bound programme between the Administration and the citizen requesting information and every

step will have to be completed within the time schedule prescribed for presentation of request and disposal of the same, presentation of First Appeal and disposal by the Appellate Authority. The F.A.A. is required to dispose the Appeal within 30 days of its receipts and the period may be extended to 45 days for reasons to be recorded in writing.

9. The Appellant on 07/03/2011 has filed an application dated 07/03/2011 which is on record Appellant has moved the application to withdraw the second appeal. However he wants to take a strong view of the delays and also need to pass strictures. Again on 21/03/2011, he sent another letter reiterating about the withdrawal and passing strictures. Matter was posted 31/03/2011 but appellant was absent. On 13/04/2011, notice was issued to the Appellant to remain present on 03/05/2011. But he did not remain present. Again on 30/05/2011 and 06/06/2005, the appellant was absent.

Notice was issued only to ascertain and explain about withdrawal. In any case the matter is being disposed off to day.

10. I once stress that P.I.O. and F.A.A. should bear in mind the statutory period for the disposal of the request and appeal. A timely reply by P.I.O. saves lot of energy and time of an information seeker. Delay in furnishing information lands him before F.A.A. and also this Commission which is legally not permissible as it causes harassment. Hope concerned authorities will bear this in mind in future.

11. In view of the above, since information is furnished no intervention of this Commission is required. The request of the Appellant to withdraw the appeal is to be granted. Hence I pass the following order.

ORDER

No intervention of this Commission is required as information is furnished. The appeal is disposed off as withdrawn.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 6<sup>th</sup> day of June 2011.

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



