

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 505/SIC/2010

Mr. Domnic D'souza,
H. No. 315/4, Tropa Vaddo,
Sodiem,
Siolim – Goa ... Complainant.

V/s.

Public Information Officer,
Secretary,
Villag Panchayat Sodiem,
Siolim – Goa ... Opponent.

Ms. Joana Mascarenhas e D'Souza, representative of the Complainant.
Opponent in person.

O R D E R

(28.06.2011)

1. The Complainant, Shri Domnic D'Souza, has filed the present Complaint praying that a thorough inquiry be conducted in order to ascertain that the information which the Public information Officer/Opponent has furnished late is in malafide manner; that penalty be imposed upon the Public Information Officer for providing late information and that disciplinary action be taken against the Opponent and suitable direction be issued under section 25(5) of the Act.

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

That the Complainant had filed an application dated 01.07.2010, seeking certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(PIO)/Opponent. That the Opponent vide his intimation letter dated 02.08.2010 intimated the Complainant in the noon time on 02.08.2010 to collect the information from the office of the Village Panchayat Sodiem after paying the necessary fees. That the PIO/Opponent has intimated the Complainant to collect the information beyond the stipulated time specified under section 7(1) of the Act which clearly states that the information should be

provided within 30 days and in this case the information was served by the Opponent on the 31st day which is beyond the stipulated time. That the action of PIO is not justified. That the Complainant was made to pay for the information that was provided beyond the stipulated time under section 7(1) which is contrary to the section 7(6) of the Act wherein the Opponent ought to have provided the information free of cost. Being aggrieved the Complainant has filed the present Complaint on various grounds as set out in the Complaint.

3. The Opponent resists the Complaint and the reply is on record. It is the case of the Opponent that on 02.07.2010 the Complainant filed an application dated 01.07.2010 for information under RTI Act seeking information pertaining to Show Cause dated 31.05.2010 from Dy. Director of Panchayat (North), Panaji. That on 31.07.2010 the Opponent kept the information alongwith forwarding letter with the Village Panchayat Clerk with the instructions to forward the same to the Complainant on the same day. That the dealing hand, i.e. V.P. Clerk with whom the information was kept, mixed the information with some office papers and as a result the information was misplaced. That upon inquiry by the Opponent with the dealing hand on 02.08.2010 as regards intimation to the Complainant, it was understood that information alongwith forwarding letter was misplaced by the dealing hand and that the same was traced after searching on 02.08.2010 and the same was forwarded to the Complainant. That the intimation on 31st day due to 30th day being a holiday, was nothing but an act of inadvertence and human error due to oversight; that no malafide or ulterior intention may be attributed on behalf of the Opponent. That no damage has been caused to the Complainant. That the Complaint is devoid of any merits and the same may be dismissed.

4. Heard the arguments. Smt. Joana Mascarenhas e D'souza argued on behalf of the Complainant and the Opponent argued in person. According to her intimation was given on the last day and that the same is not due to inadvertence and human error but due to casual approach. According to her Opponent is habitual in informing late and that too on the 30th day. She also submitted that if the information was kept ready within 30 days, the same ought to have been intimated earlier. However, the intimation has been sent on 02.08.2010.

5. The Opponent submitted that reply is already given. According to the Opponent Complainant does not come to the Panchayat but his representative comes. In short, according to him information has been furnished and that there is no much delay as such.

Written arguments of the Complainant are on record.

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

It is seen that by application dated 01.07.2010 the Complainant sought information from the Opponent. By reply dated 02.08.2010 the Opponent requested to collect the information from Village Panchayat office during office hours after paying necessary fees towards the same. It appears that information is furnished. The Complainant has no grievance about information. The grievance of the Complainant is that the information has been furnished much late. According to the Complainant there is 1-2 days' delay.

7. It is pertinent to 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 presentation of request and disposal of the same, presentation of First Appeal and disposal by the First

Appellate Authority. Under R.T.I., delay is inexcusable. P.I.O. has to bear in mind that delay lands a citizen before First Appellate Authority and also before this Commission. This is legally not permissible.

Another aspect is that the P.I.O. should not wait for the last minute to call the information seeker to collect information. In the instant case the Complainant was called by letter dated 02.08.2010 which is not correct. P.I.O. should call much before the deadline of statutory period and the whole process should be completed within time. Hope P.I.O. bears this in mind in future.

The delay of two days is condoned, however, P.I.O. should not repeat the same in future.

8. Before parting I must say that in the present case First Appeal is not preferred, however, the Complainant should approach the F.A.A. before approaching the Commission.

9. Since information is furnished no intervention of this Commission is required. Hence, I pass the following Order:-

ORDER

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

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 28th day of June, 2011.

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