

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Comp. 584/SCIC/2010

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

... Complainant.

V/s.

Public Information Officer,
Block Development Officer –I,
Mapusa,
Bardez –Goa

... Opponent.

Complainant through his representative/wife Smt. Joan Mascarenhas e. D'Souza.
Opponent in person.

ORDER
(28.06.2011)

1. The Complainant, Shri Domnic D'Souza, has filed the present Complaint praying that a thorough inquiry be conducted into the Complaint and the necessary orders be passed under section 18; that the documents and records be called from the Public Information Officer for the purpose of inquiry into the Complaint and passing order under section 20 for flagrant violation of section 7(1) of the Act in disposal of requests for information; that disciplinary action be initiated against the Public Information Officer/Opponent under the Service Rules, under section 20(2) of the Right to Information Act, for dereliction of duties imposed on him under the Act; that the records and proceedings be called from the Public Information Officer/Opponent and penalty be imposed upon the Public Information Officer/Opponent for refusing to furnish the information to the Complainant and that Public

Information Officer/Opponent has failed in his obligation imposed upon him under section 4(1) (a) of the Act to maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act and that suitable directions under section 25(5) of the Act be issued.

2. The case of the Complainant as set out in the Complaint is as under:.

That the Complainant had filed an application dated 13.09.2010 seeking certain information under the Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer of the Directorate of Panchayat (North). That the said application was transferred to the Public Information Officer (PIO)/Opponent by letter dated 23.09.2010. That the PIO/Opponent has failed to provide the information within the stipulated time frame under the Act. That the Opponent/PIO has flagrantly violated the letter and the spirit of the RTI Act which was enacted not only to ensure access to information but also to fix accountability. Being aggrieved the Complainant has preferred the present complaint on various grounds as set out in the Complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. It is the case of the Opponent that the information/documents sought by the Complainant have been provided to the Complainant vide letter dated 25.11.2020 in response to his application received in his office on 16.11.2010. However, there is a delay of about 29 days in furnishing this information. That the transferred application was received on

28.09.2010 and the reply was given on 25.11.2010. That this delay in caused due to the delay on the part of Shri S. V. Naik, EOVP in making the information ready. It is the case of the Opponent that as PIO he has sought assistance from Shri S. V. Naik, EOVP for making the information ready and hence, Shri S. V. Naik, EOVP is a deemed PIO as per section 5(5) of the RTI Act. Hence, it is submitted that Shri S. V. Naik, EOVP is liable for the delay in providing the information. It is the case of the Opponent that allegations made by the Complainant are not correct and as such denied. That the PIO has due respect to RTI Act as well as to the members of the public approaching to the Opponent under this Act. That the delay caused in furnishing the information is due to the delay on the part of deemed PIO, Shri S. V. Naik, EOVP.

4. Heard the arguments of Smt. Joana Mascarenhas, representative of the Complainant and also the arguments of the Opponent. Written arguments of the Complainant are also on record. (Common written arguments of all the Complaints are filed in Case No. 583/SCIC/2010).

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

That the Complainant, vide application dated 13.09.2010 sought certain information. The application was addressed to the PIO/Dy. Director of Panchayat.. By letter dated 23.09.2010, PIO/Dy. Director of Panchayat transferred the said application to

the PIO/BDO, Bardez Block. By letter dated 25.11.2010 the Opponent herein furnished the information.

The Complainant received the information and he has no grievance of any sort about the information. The only grievance of the Complainant is that he received the information late. According to the representative of the Complainant there is considerable delay in furnishing the information.

6. It is now to be seen whether there is delay in furnishing information. Considering the application seeking information and the date when information was furnished it appears that there is delay of about 29 days. It is to be noted here that application was transferred to the Opponent by letter dated 23.09.2010 which, in fact, out to have been within five days from the date of receipt of the application. In any case, there is delay. According to Opponent the delay is on account of Shri S. V. Naik, EOVP who furnished the information late. No doubt under RTI Act under section 5(4) PIO can seek assistance of any officer and in terms of section 5(5) such officer is liable for delay. Admittedly, there is delay. As per the version of the Opponent deemed PIO Shri S. V. Naik, did not furnish the information in time. It is to be noted here that RTI Act, in general, is a time bound programme and information has to be furnished within set time frame. In short, under RTI delays have dangerous ends. However, in this case I do not wish to issue any show case notice to the deemed PIO and/or PIO as it is informed that Memo has been issued to deemed PIO and others. Since Memo is issued the only thing to be taken care

of that the concerned officer to see that inquiry is properly conducted and brought to its logical conclusion and/or suitably penalized as per law.

Since action is initiated by B.D.O. the same to be continued. Director of Panchayat to see that inquiry started by issuing Memo by B.D.O. is held properly and the guilty/concerned official is suitably penalized.

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

ORDER

The Complaint is partly allowed and the inquiry which is started by issuing Memo be continued and brought to its logical conclusion. Director of Panchayat to see that the inquiry is held properly and the guilty/concerned official is suitably punished. The inquiry to be completed as early as possible preferably within 2 months and report compliance.

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

