

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Comp. 585/SCIC/2010

Mrs. Joan Mascarenhas e 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 in person.

Opponent in person.

ORDER
(28.06.2011)

1. The Complainant, Smt. Joan Mascarenhas e 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 brief facts leading to the present Complaint are as under:-

That the Complainant filed an application dated 03.10.2010 seeking certain information under the Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(PIO)/Opponent. That the Opponent has failed to provide the information within the stipulated time frame under the Act. That the information sought for is the copy of rectified copy of the BDO, Mapusa, Bardez. That the Opponent/PIO has flagrantly violated the letter and spirit of RTI Act which was enacted not only to ensure access to information but also to fix accountability. Being aggrieved by the repeated actions of the Opponent the Complainant has preferred the present Complaint on the grounds as set out in the Memo of Complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. In short, it is the case of Opponent that the information has been furnished to the Complainant vide letter dated 10.11.2010. That the Complainant has asked for certified copy of the rectified report submitted by BDO to Dy. Director of Panchayat (North). However, in reality no such rectified report was ever prepared by BDO Bardez and hence was never submitted

to the Office of Dy. Director of Panchayat (Panaji). That there is no written direction from the DDP (N) to submit any rectified report but the representation made by the Complainant to the Chief Secretary dated 26.03.2010 was forwarded by Dy. Director of Panchayat (North) to B.D.O., Bardez with directions to look into the matter personally, verify the facts and submit detailed report. It is the case of the Opponent that at no point of time the Dy. Director of Panchayat (North) has stated that earlier report was erroneous or that any rectified report was required to be submitted. That the issue of compliance or non-compliance of various instructions issued under G PRA 1994 is to be looked into by the various authorities constituted under G PRA 1994. It is further the case of the Opponent that Opponent has due respect to the enactment of RTI Act and members of the public which has imposed responsibility and accountability on the public officers. That the delay caused in furnishing the information is due to the delay on the part of deemed PIO Shri S. V. Naik, EOVP. Opponent also pressed for issuing notice to the said deemed PIO.

4. Heard the arguments of the Complainant as well as 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 information is

furnished and whether the relief prayed is granted or not. That the Complainant vide application dated 03.10.2010 sought certain information from the Opponent. By letter dated 10.11.2010 the said information was furnished by the Opponent herein.

The Complainant, it appears, has received the information and the Complainant has no grievance of any sort about the information. The only grievance of the Complainant is that she received the information late. According to the Complainant there is considerable delay in furnishing information. Considering the application seeking information and the reply whereby information was furnished it appears that there is delay of about 7 days. In any case there is some delay. According to the 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 the information has to be furnished within the statutory time frame. Under RTI Act delay is liable for penalty. However, in this case I do not wish to issue any show cause notice to the deemed PIO and/or PIO as it is informed that memo has been issued to deemed PIO and others. Since memo has been issued the only thing to be taken care of is that the concerned officer to see that inquiry is properly conducted and brought to its logical conclusion and suitably penalized as per law.

6. Since action is initiated by B.D.O., the same to be continued. Director of Panchayat to see that the inquiry is held properly and the guilty/concerned officer is suitably punished.

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

ORDER

The Complaint is partly allowed and the action which is started by issuing memo to continue and brought to its logical conclusion. Director of Panchayats to see that inquiry is held properly and the guilty/concerned officer 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

