

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Comp. 586/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 has filed an application dated 04.10.2010 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 Opponent failed to intimate the Complainant to collect the information, however, the representative of Complainant was given the incomplete information by the Opponent. It is further the case of the complainant that the Opponent/PIO has flagrantly violated the letter and spirit of the RTI Act which was enacted not only to ensure access to information but also to fix accountability.

3. Being aggrieved by the repeated actions of the Opponent/PIO the Complainant has filed the present Complaint on various grounds as set out in the Memo of Complaint.

4. The Opponent resists the Complaint and the reply of the Opponent is on record. It is the case of the Opponent that information has been furnished to the Complainant vide letter dated 18.11.2010. That whatever information available with

EOVP has been handed over to the Complainant. The Opponent also denies that the information furnished is incomplete. It is the case of the Opponent that the RTI application dated 04.10.2010 was marked to the Head Clerk Mrs. Deepa Benaulikar with instructions to put up the information by 13/10/10 positively. That the copy of the application was handed over to Shri S. V. Naik, EOVP with instructions to prepare the information and place before the Head Clerk for verification. That the said EOVP, Shri S. V. Naik has drafted the reply dated 18.11.2010 based upon whatever information available in EOVP section under the control of Shri S. V. Naik. That whatever information/documents available with the dealing hand is furnished to the Complainant. The Opponent admits that there is delay of 11 (eleven) days and according to him delay was due to Shri S. V. Naik, EOVP. The Opponent has narrated in detail as to how Shri S. V. Naik, EOVP was responsible for delay in his reply from para 6 to 12. In short, delay caused in furnishing information is on account of deemed PIO, Shri S. V. Naik, EOVP as per version of the Opponent.

5. Heard the Complainant as well as the Opponent and perused the records. Written arguments of the Complainant are also on record. (Common written arguments of all the Complaints are filed in case No. 583/SCIC/2010).

6. 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?

It is seen that the Complainant vide application dated 04.10.2010 sought certain information from the Opponent. By letter dated 18.11.2010 the Opponent herein furnished the information.

According to the Complainant she has received the information and it appears that she has no grievance of any sort about the information. The only grievance of the Complainant is that there is delay in furnishing the information.

7. It is now to be seen whether there is delay in furnishing information. Considering the application seeking information and the date when information/reply was furnished it appears that there is delay of about 9 to 10 days. 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 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 stipulated time frame. 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 the deemed PIO and others. Since memo is issued the only thing to be taken care of is that the

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

Since action is initiated by B. D.O., the same to be continued in accordance with law. Director of Panchayats to see that proper inquiry is conducted and the guilty/concerned officer is suitably penalized as per law.

8. 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 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

