

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Complaint No.591-SCIC-2010**

1. Mr. Eleuterio Anastasio Carneiro,  
Next to Marina Store,  
Galigibag, Canacona-Goa -----Complainant.

**V/s**

1) Village Panchayat Secretary,  
Public Information Officer,  
V.P. Poiguinim, Canacona-Goa .....Respondent

Complainant in person  
Opponent present

**ORDER**

(08/07/2011)

1. The Complainant, Shri Eleuterio Anastasio Carneiro, has filed the present complaint praying that information be furnished, that penalty be imposed on the P.I.O./Opponent and that compensation be awarded to the Complainant.

2. The case of the Complainant is that the Complainant filed an application dated 16/08/2010, seeking certain information under Right to Information Act, 2005 (RTI Act for short) from the Public Information Officer (P.I.O)/Opponent. That no information was furnished within the statutory period of 30 days and hence the Complainant filed an appeal before the First Appellate Authority. That the F.A.A. passed the order to provide information within 10 days free of cost to the Complainant. It is the case of the Complainant that till date no information is furnished and hence the present complaint.

3. The Opponent was duly served. Initially the opponent appeared However later on he did not appear though various opportunities were given to him. The Opponent has filed the written arguments which are on record.

4. I have perused the records of the case and also the written arguments of the Opponent dated 28/02/2011 and the reply of the Complainant to the submission of opponent dated 13/04/2011.

It is seen that the complainant, vide application dated 16/08/2010 sought certain information from the Opponent. By letter dated 03/09/2010 the Opponent informed the Complainant that he needs more time i.e 15 days more for searching and collecting the required information from the Panchayat records. It is seen that being not satisfied the complainant preferred an appeal before the First appellate Authority. By order dated 11/11/2010 the First Appellate Authority ordered as under:-

“Appeal is allowed. Respondent P.I.O. is directed to provide the information to the Appellant in the format that is available in the Panchayat free of cost within a period of 10 days form the date of passing of this order”

This order stands. However the grievance of the Complainant is that this order is not complied with.

5. As per the written Arguments on records the Opponent, immediately after passing of the order, collected the information in the format, which is to be provided to the Appellant within the prescribed time. However the Appellant did not approach the opponent or contacted the other officials of the Panchayat in order to receive the said information. That the Opponent being in charge of two Panchayats even informed to the other staff available in the village Panchayat Poinguinin to furnish the said information to the Appellant in case the Appellant approaches the Panchayat. In short according to the Opponent Appellant did not collect the information. Of course this is disputed by the complainant in his reply to the written Arguments. In any case this can be seen at the proper stage. Since information is ready the same could be furnished to the complainant.

6. Now it is to be seen whether there is delay in furnishing the information. The Application seeking information is dated 16/08/2010. The complainant asked the information within 48 hours as the same in future could affect, his personal protection of life and liberty.

It is to be noted here that information in cases concerning “ life and liberty of a person” shall be provided within 48 hours. Life and liberty are two of the most important facets of our existence R.T.I. Act envisages that information pertaining to life

and liberty of a person should be disclosed urgently. This has to be applied only in exceptional cases and the question as to whether information sought concerns life and liberty of a person has to be carefully scrutinized in proper prospective and imminent danger has to be substantially proved. In my view the information sought does not come within those parameters so as to furnish within 48 hours.

Normally information is to be furnished within 30 days. It is to be seen whether there is delay in furnishing information. The information was sought by letter dated 16/08/2010. According to the complainant no information is furnished. In any case in my view the opponent/P.I.O. should be given an opportunity to explain about the same in the factual backdrop of this case.

7. In view of all the above I am of the opinion that information is to be furnished in compliance of the order of the F.A.A. regarding delay the P.I.O. is to be heard on the same.

Hence I pass the following order:-

#### **ORDER**

The Complaint is allowed. The Opponent is hereby directed to furnish the information as per order of First Appellate Authority dated 11/11/2010 within 20 days from the date of receipt of this order.

Issue notice under section 20(1) of the Right to Information Act, 2005 to the Opponent/Public Information Officer to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 29/08/2011, Public Information Officer/Opponent shall appear for hearing.

The Appellant to prove that information furnished is incomplete, incorrect, misleading etc.

Further inquiry posted on 29/08/2011 at 10.30 a.m.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 08<sup>th</sup> day of July, 2011

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















