

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 59/SCIC/2011

Mr. Vinayak Dattaram Porob,
Auchit Vaddo,
Near Laxmi Narayan Temple,
Tivim,
Bardez – Goa

...Complainant

V/s

Public Information Officer,
Collector of North Goa,
Collector's Office,
Panaji – Goa

... Opponent

Complainant in person.

Opponent in person.

ORDER
(22/08/2011)

1. The Complainant, Shri Vinayak Dattaram Porob, has filed the present Complaint praying that this Commission may kindly initiate inquiry in this matter; that the Opponent be directed to immediately provide the information sought by the Complainant vide application dated 01.02.2011; that disciplinary action under Service Rules may be taken on the Opponent; that the Opponent may be directed to pay exemplary cost for failure to provide information.

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

That the Complainant had filed a detailed Complaint dated 27.12.2010 against Shri G. J. Shankhwalkar, Mamlatdar of Bardez before the Opponent. That the said Complaint was received by the Opponent on 28.12.2010. That the copy of the said Complaint was also sent to other authorities by way of Registered Post A.D. including to the Hon'ble Revenue Minister who transferred the said Complaint to the Hon'ble Collector of North Goa/Opponent vide letter dated 05.01.2011. That the copy of the said Complaint dated 27.12.2010 was also filed before Revenue Department and the Under Secretary, Revenue-I vide letter dated 05.01.2011 also transferred the said Complaint to the Collector, North Goa/Opponent to take appropriate action in the matter. That the Complainant did not receive any reply from

the Opponent for over a month and as such the Complainant filed an application dated 01.02.2011 under Right to Information Act, 2005 ('R.T.I. Act' for short) seeking certain information from the Public Information Officer (PIO)/Opponent. That the Complainant also filed an application before the Hon'ble Chief Secretary of Goa who transferred the same to the PIO of the Revenue Department vide letter dated 02.02.2011 who in turn transferred the same to the Opponent herein. That the Opponent failed to reply to the said application within the stipulated period of 30 days. That till date the Opponent has not provided the information sought by the Complainant. Since information was not furnished the Complainant filed the present Complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. In short it is the case of the Opponent that the Opponent has intimated the Complainant vide intimation dated 28.04.2011 and 23.05.2011. That as regards para 3(a), (b) and (c) that the information sought does not come within the definition of 'information' under sub-section (f) of section 2 of the RTI Act. It is the case of the Opponent that the Complaint dated 27.12.2010 filed by the Complainant was sent for inquiry to Dy. Collector & SDO, Mapusa and after obtaining the report, the said report alongwith Complaint and comments of the Mamlatdar of Bardez has been forwarded to Under Secretary (Revenue) for taking necessary action. That the Applicant has been informed about this factual position vide letter dated 28.04.2011 and 23.05.2011. That the information sought by the Complainant does not come within the definition of 'information' under section 2(f) of RTI Act. That the information is already furnished to the Complainant on receipt of inquiry report from the Dy. Collector and SDO, Mapusa. According to the Opponent there is no merit in the Complaint and that the Complaint is to be dismissed.

4. Heard the arguments of the Complainant as well as Opponent. According to the Complainant information is furnished, however, there is delay of 45 days. Complainant referred to the reply and other material on record.

During the course of his arguments the Opponent submitted that information is furnished and that action is initiated and that they were

waiting for the reply. He next submitted that the information sought does not come within the purview of RTI Act particularly, section 2(f). He also submitted that Opponent is not liable for any penalty.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that falls for my consideration is whether the information is furnished and whether the same is furnished in time. During the course of arguments the PIO/Opponent states that information is furnished. Complainant states that he has received the information.

6. Now it is to be seen whether the information is furnished in time. It is seen that the application is dated 02.02.2011. The reply that is given is dated 28.04.2011 and another reply is 23.05.2011. Apparently there is some delay in furnishing information. However, the PIO/Opponent is to be given an opportunity to explain about the same.

7. Since information is furnished no intervention of this Commission is required. As far as delay is concerned, Opponent is to be heard. Hence, I pass the following Order:-

ORDER

The Complaint is partly allowed. No intervention of this Commission is required as information is furnished.

Issue notice under section 20(1) of the RTI Act, 2005 to the Opponent/PIO to show cause why penal action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 07.10.2011. Public Information Officer/Opponent shall appear for hearing.

Further inquiry posted on 07.10.2011 at 10:30a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 22nd day of August, 2011.

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

