

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal No. 81-SCIC-2011

Shri Datta M. Sawant,
R/o H.No.347/2, Corjuem-Golzuem,
Aldona, Bardez-Goa

...Appellant

V/s

The Public Information Officer,
Village Panchayat of Aldona,
Bardez-Goa.

... Respondent

Appellant in person

Respondent No.1 present

JUDGEMENT
(24/08/2011)

1. The Appellant, Shri Datta M. Sawant, has filed the present Appeal praying that the Respondent no.1 be directed to issue certified copies of the correspondence as requested in the original application free of cost as per section 7(6); that penalty be imposed to the Respondent as per law for not furnishing the information in time and thereby flouting the order of the Hon'ble B.D.O. at Mapusa-Goa, that compensation may be granted for detriment faced by the Appellant for not getting information and also for harassment caused for making him run from pillar to post.

2. The brief facts leading to the present appeal are as under;-

That the Appellant vide his application dated 2/11/2010 sought certain information under Right to Information Act (R.T.I., Act for short) from the Public Information Officer (P.I.O.)/ Respondent No.1 That the Appellant did not receive any response to his application and he was also not issued copies of the requested correspondence. Being not satisfied the Appellant preferred the Appeal before First Appellate authority/B.D.O. at Mapusa-Goa. By order dated 24/01/2011, the F.A.A. directed the

Respondent to furnish the appropriate documents to the Appellant within 7 days from the date of passing the order or in the alternate directed the respondent to file detail reply to the said appeal file by the Appellant. That the Appellant thereafter approached the office of respondent filed another letter directing the Respondent to produce the copy and also showed the copy of the order of B.D.O. But in spite of all this the Respondent failed to provide the information. Being aggrieved that information has not been furnished the Appellant has preferred the present appeal on various grounds as set out in the memo of Appeal.

3. The Respondent resists the appeal and the reply of the Respondent is on records. It is the case of the Respondent that the then Secretary Peter Martins has furnished the information which was sought by the Appellant vide application dated 2/11/2010. Copy of the information is annexed that the respondent has furnished the information to the appellant as per order dated 24/01/2010 of the B.D.O. Copy of the information is annexed. In short according to the Respondent information is furnished. It is further the case of the Respondent that the Appeal is misconceived in law and that there is no cause of action to file the present appeal.

4. Heard the arguments. The learned Adv. Shri Gaurish Gaonkar, argued on behalf of the Appellant and Respondent argued in person. Both sides argued on similar lines as per their pleadings.

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.

It is seen that by application dated 2/11/2010, the Appellant sought certain information. This application was received on 03/11/2010. As per the application it is mentioned:-

“ Kindly issue me certified copies under R.T.I. Act, 2005.....
.....
.....
.....Now I wish to know under which section of Panchayat Raj Act, I was ejected to go out of the meeting hall.”

It is seen that by reply dated 19/11/2010 Secretary informed about enclosing information and about payment. Copy of Form No.4 Receipt shows that amount of Rs.2/- was paid on 1/12/2010 and information was received on 1/12/2010. There is acknowledgment of having received on letter dated 19/11/2010. On 24/12/2010, the Appellant preferred an appeal before (B.D.O.), First Appellate Authority. The Appellant mentions at para (2) that P.I.O. did not give him full and correct information but enclosed Xerox copy of certain documents. It is seen that after the order of F.A.A. the Secretary again sent the information by post. However in the present appeal at para 3 the Appellant states that the did not receive any response to his application and that he was not issued copies of requested correspondence. This appears to be substantially not correct in view of what is mentioned above.

6. Now coming to the aspect of information Appellant wants to know under which section of Panchayat Raj Act he was ejected to go out of the meeting hall. The relevant provision on page 141, is

furnished. It is to be noted here that information available in the material form is to be provided.

Normally provisions/sections are available to all, in the concerned books/Acts which are available to all. If such type of rules and section are asked to P.I.O. then they would be converted as unpaid consultants to the information seekers. In any case information is furnished and copy of the relevant provision is given. Interpretation and /or applicability of the provision does not come under R.T.I. It is for another authority to see.

7. No doubt the Appellant might be having a genuine grievance, however, the same has to be raised in a proper forum. Under R.T.I. what is provided is information.

From the records it appears that this appeal arises on account of some incident at a meeting, Panchas, Sarpanch and others are the representatives of the people. It is the people who elect them. Therefore they should be careful in using the language. It is said that politeness and courtesy are more precious than gems; they give satisfaction to man endear him to his creator and to the public.

No doubt mistakes happen and to “err is human” However charm lies in rectifying them. No doubt mistake sometimes brings anger however one should take care that ones actions and words do not hurt others.

8. In view of the above, since information is furnished no intervention of this commission is required. Besides the information is furnished in time so the question of delay does not arise. Hence I pass the following order:-

ORDER

No intervention of this Commission is required as information is already furnished. The appeal is disposed off.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 24th day of August, 2011.

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