

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Penalty No. 25/2011

In

Complaint No. 529/SCIC/2010

Smt. Sheetal S. Navelkar,  
H. No. 327, Khalap Waddo,  
Canca,  
Bardez – Goa

... Complainant.

V/s.

Public Information Officer,  
Secretary,  
Village Panchayat Verla Canca,  
Bardez – Goa

... Opponent.

Shri S. Navelkar, representative of Complainant.  
Adv. Smt. A. Bhobe for Opponent.

**ORDER**  
**(24.10.2011)**

1. By Order dated 22.02.2011, this Commission issued notice under Section 20(1) of the R.T.I. Act to the Opponent/P.I.O to show cause why penalty action should not be taken against him for causing delay in furnishing the information.

2. That in pursuance of the Order the Opponent/ P.I.O. has filed the reply which is on record. In short it is the case of the Opponent/P.I.O that the Opponent has highest regard to the Orders passed by the Authorities under the R.T.I. Act and that Opponent has abided and will always abide by the Orders. That the information as sought by the Complainant vide her application dated 16.04.2010 and subsequently specified/clarified by a letter dated 26.06.2010 is not available in the office of the Village Panchayat of Verla Canca. Despite thorough search in the office of Village Panchayat of Verla Canca, no documents of the nature referred to by the Complainant in the application dated 16.04.2010 and subsequently specified/clarified by a letter dated 26.06.2010 were available in the office of the Village Panchayat of Verla Canca. That the Opponent without prejudice is ready to permit the Complainant to inspect the records of the Panchayat so as to enable the

Complainant to point out the information she requires, if available with the Panchayat. That the Opponent could not remain present before the B.D.O./F.A.A. on 20.08.2010 on account of death of his mother and that nobody appeared before F.A.A. to state that the documents are not available with the V.P. of Verla Canca. It is the case of the Opponent that the documents sought by the Complainant are not available in the office of the Village Panchayat of Verla Canca and as such Opponent is unable to furnish the same. That there is no delay in the matters as no information could be furnished on account of the same being not available. According to the Opponent penalty be not imposed.

3. Heard the arguments. Shri S. Navelkar representative of the Complainant argued on behalf of the Complainant and the learned Adv. Smt. A. Bhobe argued on behalf of the Opponent.

Representative of the Complainant referred to the facts of the case in detail. According to him Application is dated 16.04.2010. No reply furnished and he referred to letter dated 16.04.2010 and 31.05.2010. According to him heavy penalty be imposed.

Advocate for the Opponent submitted that the Panchayat did not have the information. Referring to the facts of the case she submitted that there is no delay as such and that it is not a fit case to impose penalty.

4. I have carefully gone through the records of the case and also considered the arguments advanced by the parties.

It is seen that by application dated 16.04.2010 the Complainant sought certain information. By reply dated 31.05.2010 the Opponent requested the Complainant to specify the type of documents required. By another letter dated 31.05.2010 the Secretary requested the Complainant to collect the information. It appears that the Complainant preferred Appeal before First Appellate Authority, etc.

I have seen the application dated 16.04.2010 the same appears to be vague. The P.I.O./Opponent asked to clarify the same. The Complainant should have clarified so as to facilitate furnishing information. The Complainant should be specific.

Instead of clarifying he preferred the Appeal. The Complainant clarifies only by letter dated 26.06.2010.

It is to be noted here the P.I.O. should have written or requested to clarify within 30 days which has not been done. Secondly, Complainant on his part did clarify only on 26.06.2010. According to Opponent information is not available, however, he should have stated so within 30 days. In any case there is delay i.e. from 16.04.2011 to 31.05.2011. The delay is of about 14/15 days. According to the Advocate for Appellant since information is not there, there is no delay as such. I am unable to agree with this. In fact, the Opponent should have informed so or sought clarification within 30 days. R.T.I. Act, in general, is a time bound programme and the reply should be within the stipulated time. Admittedly there is a delay.

5. Now I shall proceed to consider the question of imposition of penalty upon the Opponent/P.I.O. under Section 20 of the R.T.I. Act. Under R.T.I. delay is inexcusable and penalty is of Rs.250/- per day. It is high time that Public Authorities introspect that non-furnishing of information lands a citizen before First Appellate Authority and also this Commission resulting into unnecessary harassment of a common man which is certainly not permissible under the Act.

In any case in the factual backdrop of this case and also considering certain peculiar circumstances of the case I am inclined to take a lenient view of the matter. In my view imposition of penalty of Rs.2000/- (Rupees Two thousand only) would meet the ends of justice.

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

### **ORDER**

The Opponent/P.I.O. is hereby directed to pay Rs.2,000/- (Rupees Two Thousand only) as penalty imposed on him today. This amount of penalty should be recovered from the salary of P.I.O./Opponent in two monthly instalments starting from January

2012 and February 2012 by the Block Development Officer, Bardez.  
The said amount be paid in Government Treasury.

A copy of the Order be sent to the Director of Panchayat,  
Directorate of Panchayat, Government of Goa, Panaji and to the  
Director of Accounts, Directorate of Accounts for information.

The penalty proceedings are accordingly disposed off.

Pronounced in the Commission on this 24<sup>th</sup> day of October, 2011.

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