

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

**Penalty No.17/2011
In
Complaint No. 528/SCIC/2010**

Shri Eusebio Braganza.
H. No. 477, Dongorim,
Navelim,
Slacete -Goa

... Complainant.

V/s.

Public Information Officer,
Margao Municipal Council,
Margao - Goa

...Opponent.

**Complainant in person.
Adv. Shri S. G. Naik for Opponent.**

ORDER
(25.04.2012)

1. By Order dated 17.01.2011, this Commission issued notice to the Public Information Officer/Opponent to show cause why penal action should not be taken against him for causing delay in furnishing information.
2. In pursuance of the notice the Opponent has filed written submissions which are on record. In short it is the case of the Opponent that the Opponent has submitted its reply before this Commission on 15.11.2010 the copy of which has been received by the Complainant wherein information as regards to Sr. No. (b) has been provided to the Complainant through the reply and hence the present Complaint deserves to be dismissed. That the Opponent has furnished the information which was available with it as on 28.07.2010, whereas the information as regards to which records were not available on account of renovation work, painting of the building there was reshuffling of its Department and some files got mixed and could not be traced and hence could not be given and that Opponent cannot be held liable for penalty. Opponent also relies on some rulings of C.I.C.
3. Written arguments of the Complainant are on record. The Complainant has mentioned the sequence of the things in detail.

The Complainant has also filed reply to the arguments of the Opponent dated 14.10.2011. According to the Complainant judgments relied are not applicable in the present case.

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

It is seen that application seeking information is dated 14.05.2010. Since information is not furnished the Complainant preferred the Appeal. The First Appellate Authority observed:-

“The statutory period is over. Hence the respondent shall furnish the information within a period of 10 days from the date of Order i.e. 09.07.2010 without charging fees.”

Admittedly no reply was furnished within 30 days. The reply from the records it is seen was furnished only on 28.07.2010. No doubt information regarding (b) was not furnished as the same was not available. Under R.T.I. only available information is to be furnished. According to the Complainant there is delay. Admittedly there is delay from 15.06.2010 to 26.07.2010 i.e. of about 40/41 days.

5. I now proceed to consider the question of imposition of penalty upon the Opponent under Section 20 of the RTI Act. I have come to the conclusion that there is delay in furnishing information. I have also considered the explanation given by PIO. However, under RTI Act delay is inexcusable. Public Authorities must introspect that non-furnishing of information lands a citizen before First Appellate Authority and this Commission resulting into unnecessary harassment of a common man which society abhors and law does not permit. RTI Act provides Rs.250/- per day. However, considering the factual matrix of this case I am inclined to take a lenient view of the matter. I feel that imposition of penalty of Rs.6000/- (Rupees Six Thousand only) would meet the ends of justice.

6. The Complainant submits that information is available. This is disputed by the Advocate for the Opponent. In any case the Complainant can take inspection and the P.I.O. to give inspection on a mutually agreed date.

7. In view of the above I pass the following Order:-

ORDER

The Opponent/P.I.O. is hereby directed to pay Rs. 6000/- (Rupees Six 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 instalments for the month of June and July 2012 by the Jt. Director of Accounts, South Branch.

A copy of the Order be sent to the Jt. Director of Accounts, South Branch, Margao -Goa for execution and recovery of penalty from the Opponent. The said amount be paid in the Government Treasury.

The penalty proceedings are accordingly disposed off.

Pronounced in the Commission on this 25th day of April, 2012.

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

