

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 74/SCIC/2012

Mr. Dinar L. Barros,
H. No. 14, Betalbatim,
Salcete – Goa

.... Complainant.

V/s.

Public Information Officer,
O/o. Village Panchayat of Betalbatim,
Betalbatim,
Salcete – Goa

.... Opponent.

Complainant in person.

Opponent in person.

ORDER
(12.06.2012)

1. The Complainant, Shri Dinar Barros, has filed the present Complaint praying to impose maximum penalty on the Opponent as specified under Section 20 of RTI Act, 2005 and that Complainant be suitably compensated for the mental and physical torture undergone and the expenses incurred for obtaining a simple information.

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

That the Complainant vide an application dated 08.12.2011, sought certain information under the Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Opponent. That the P.I.O./Opponent did not provide the information within thirty days which is the time limit specified under the R.T.I. Act. That the Complainant, therefore, appealed before the First Appellate Authority (F.A.A.). That the F.A.A. by Order dated 12.03.2012 has pointed to the pure negligence and dereliction of duties on the part of the said P.I.O. Since information was not furnished in time and being aggrieved the Complainant has preferred the present Complaint on the grounds as set out in the Complaint.

3. In pursuance of notice issued the Opponent appeared. The Opponent filed an application stating that information has been furnished as per the order from the Block Development Officer, Salcete-Goa.

4. Heard the Complainant as well as the Opponent. During the course of arguments it transpired that information is already furnished. The Opponent also states that information is furnished.

The only grievance of the Complainant is that the same has been furnished after a long delay.

5. Now it is to be seen whether there is delay in furnishing the information. It is seen that by application dated 08.12.2011 the Complainant sought certain information. This application was received in the office of the Opponent on 13.12.2011 as can be seen from the endorsement on the same. Since information was not furnished the Complainant preferred Appeal before the F.A.A. on 10.02.2012. By order dated 12.03.2012 the F.A.A. directed the Opponent to provide the information free of cost. It is pertinent to note that the F.A.A. has observed that Opponent has failed to comply the provision of Sub-section (1) of Section 7 of the R.T.I. Act to provide the information within thirty days. Looking at the facts of the case apparently there is some delay. However, to my mind P.I.O./Opponent is to be given an opportunity to explain about the same in the factual matrix of this case.

6. Since information is furnished no intervention of this Commission is required. The Opponent is to be heard on the aspect of delay. Hence, I pass the following Order:-

ORDER

Complaint is 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/P.I.O. to show cause why penal action should not be taken against him/her for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 16.07.2012. The P.I.O./Opponent shall appear for hearing.

Further inquiry posted on 16.07.2012 at 10:30a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 08th day of June, 2012.

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

