

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.420/SIC/2010

Shri Uday A. C. Priolkar,
R/o. H. No.C5/55, Mala,
Panaji – Goa

... Complainant

V/s

The Public Information Officer,
Additional Collector-I,
Collectorate Bldg.(N),
Panaji-Goa

... Opponent

Complainant in person.
Opponent present.

ORDER
(24/07/2012)

1. The Complainant, Shri Uday A. C. Priolkar, has filed the present complaint praying that the opponent be directed to furnish the information as sought by the complainant; that the opponent be directed to pay the complainant cost of Rs.250/- for each day till the Complainant receives the information and that the disciplinary action be initiated against the opponent under Service Rules.

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

That the complainant, vide his application dated 24/03/2010 sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer ('P.I.O.)/opponent. That the information sought for does not fall under any of the restricted items mentioned in the Act. That the P.I.O. vide letter dated 23/04/2010 informed the complainant that information sought under R.T.I. Act is not applicable to the Institute Of Comunidade which are private bodies. Being aggrieved the complainant has preferred the present complaint on various grounds as set out in the complaint.

3. The opponent resists the complaint and the reply is on record. It is the case of the opponent that the complaint has been filed against the

P.I.O. Addl. Collector – I, Collectorate (North), however, it is stated that the Additional Collector – I is not the P.I.O. in the matter. That an application/letter dated 24/03/2010 made by the complainant was inwards in the Collectorate (North) on the same day and was marked to the Revenue Branch of the Collectorate as per the record maintained by the Establishment Branch. That the Revenue Branch of the Collectorate which received the said application should have transferred the same to the Civil Administration Branch for dealing with the matter since the application pertained to the Comunidade matters which are handled by Civil Administration Branch. That the P.I.O., Revenue Branch has, however, not transferred the said application till date to the P.I.O., Civil Administration Branch as a result of which the Civil Administration Branch was not able to deal with the application. That the Collector, North Goa District has entrusted the present case to the Civil Administration Branch and hence the opponent who is the P.I.O. and Branch Officer of the Civil Administration Branch is filing the present reply. That the P.I.O. and Branch Officer, Revenue Branch has denied that the application dated 24/3/2010 was received by the Revenue Branch of the Collectorate (North). However, the records maintained by the Establishment Branch of the Collectorate (North) and, therefore, the Opponent/P.I.O. has been unable to take any action to deal with the said application.

4. Heard the Complainant and the opponent. Complainant referred to the facts of the case in detail. According to him information is not furnished.

During the course of his arguments the opponent submitted that application never reached his office as the same was marked to Revenue Branch. He argued on similar lines as mentioned in the reply.

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 the complainant vide application dated 24/3/2010 sought certain information. However no information was furnished. Being aggrieved the complainant has filed the present complaint.

It is the case of the opponent that the application was marked to the Revenue Branch of the Collectorate as per the record maintained by the Establishment Branch. That the P.I.O. Revenue Branch has not transferred the said application till date to the P.I.O. Civil Administration Branch as a result of which the Civil Administration Branch was not able to deal with the application. That the P.I.O. and Branch Officer, Revenue Branch has denied that the application dated 24/3/2010 was received by the Revenue Branch of the Collectorate (North) and that the records maintained by the establishment branch of Collectorate(North) speak otherwise. It is also the case of the opponent that till date the application dated 24/3/2010 filed by the applicant has not been transferred or allotted to the Civil Administration Branch of the Collectorate, North and hence no action could be taken.

6. In short the application seeking information has not reached the P.I.O. and therefore he could not furnish the information. Opponent also states that complainant has received the information from other agency to which complainant agrees.

However, the matter is serious. It is to be noted here that the P.I.O. is the designated person or representative of the department who is responsible to ensure compliance with the R.T.I. Act and facilitate the information seeker in obtaining the information. P.I.O. has a duty to deal with the applications received from persons for furnishing the information and he is under obligation to render reasonable assistance to the information seekers. Sum and substance of Sec.5 of the R.T.I. Act is that every P.I.O. should extend all reasonable assistance in making the information available rather than putting hurdles in different ways.

7. In my opinion a proper inquiry is to be held by some higher authority to find out whether the application is deliberately held up to defeat the purpose of R.T.I. Act.

8. In view of all the above, I pass the following order.

ORDER

Complaint is partly allowed and the inquiry is ordered to be conducted to trace the said application dated 24/3/2010.

The Collector of North Goa through himself or any Addl. Collector deputed by him to conduct an inquiry regarding the missing/misplacement of the said application dated 24/3/2010 and to fix the responsibility for misplacement/missing of the said application and initiate action against the delinquent officer/official and/or penalize as per law. The inquiry to be completed as early as possible preferably within 2 months.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 24th day of July, 2012

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