

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 82/SCIC/2012**

Ms. Sushma Pawar,  
Children's Rights in Goa(CRG),  
CT-2, Block C, Bldg. A. Nevio Apts.,  
3<sup>rd</sup> Floor, Angod, Mapusa,  
Bardez – Goa ..... Complainant

V/s.

Public Information Officer,  
Department of Women & Child Development,  
Shanta Bldg., St. Inez.  
Panaji – Goa ... Opponent.

**Complainant in person.**

**Opponent in person.**

**ORDER**  
**(19.07.2012)**

1. The Complainant, Ms. Sushma Pawar, has filed the present Complaint praying to hold inquiry as the information was not provided and that necessary action be taken against the Public Information Officer under Right to Information Act, and compensation be provided for refusing to provide the necessary information in time.

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

That the Complainant, vide application dated 12.03.2012, 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 PIO failed to reply to the request within time limit specified under Section 7 of the RTI Act. That the PIO has refused to give information by not indicating the reasons for not replying to the application even after completion of thirty days from the date of receipt of the application. Being aggrieved the Complainant has filed the present Complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. In short it is the case of Opponent/PIO that application of the Complainant dated nil seeking information under RTI Act was received in the office of Directorate of Women & Child Development on 12.03.2012.

That the said application was forwarded to the Probation Officer, Directorate of Women & Child Development, Panaji, requesting to furnish requisite information immediately within 5 days and to treat the matter as most urgent vide letter dated 14/16-03.2012. That due to non-receipt of the information within 5 days verbal inquiries as well as telephonic inquiries were made that the Staff in the concerned Section of the Directorate. It was revealed that the information has been called from the Superintendent-cum-Probation Officer, Apna Ghar, Mercedes by 21.03.2012 who informed that 15 days time was required for submission of information. That further inquiries with the Section revealed that the Superintendent-cum-Probation Officer, Apna Ghar, Mercedes had again been requested to furnish the information on point No. 7 by 23.04.2012 vide their letter dated 20.04.2012. Therefore, the Complainant was informed that her application had been forwarded to the Probation Officer, DW &CD, who in turn had called the information from the Sub-Office and would be forwarded to her on receipt, vide letter dated 25.04.2012. That meanwhile the Probation Officer informed the PIO that 20 days time is required for submission of information vide letter dated 02.05.2012 which was again intimated to the Complainant for favourable consideration vide letter dated 03.05.2012. That she also requested the Superintendent-cum-Probation Officer, Apna Ghar, Mercedes, simultaneously to submit the information for all the queries vide letter dated 04.05.2012 for delivering it to PIO. That thereafter from receipt of information from the Probation Officer vide letter dated 14.05.2012 the Complainant was intimated to take delivery of the same vide letter dated 18.05.2012 which was collected by her on 28.05.2012. It is further the case of the Opponent that all efforts were made to obtain requested information from the concerned officers for the information with the intention to provide the same to the applicant within time limit and hence had no malafide intention whatsoever not to provide or to withhold the information and, therefore, delay if any be condoned.

4. Heard the Complainant as well as the Opponent.

During the course of arguments it was submitted by the Complainant as well as Opponent that the information has been furnished. The Complainant submits that she has received the information and that she has no grievance on that count.

The only grievance of the Complainant is that the information is furnished much beyond 30 days.

5. Now it is to be seen whether there is delay in furnishing the information. The information was sought vide application dated 12.03.2012. The information is furnished on 28.05.2012. Apparently, there is delay. According to the PIO the same was to be collected from the Probation Officer, Department of Women & Child Development, Panaji. In any case, to my mind, the PIO as well as the concerned Probation Officer are 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 PIO as well as the concerned Probation Officer are to be heard on the aspect of delay. Hence, I pass the following Order:-

### **ORDER**

The Complaint is partly allowed. No intervention of this Commission is required as information is furnished.

Issue notice under Section 20(1) of the Right to Information Act, 2005 to the Opponent as well as the concerned Probation Officer, Directorate of Women & Child Development, to show cause why penal action should not be taken against him/them for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 04.09.2012. Public Information Officer/Opponent and the concerned Probation Officer, Directorate of Women & Child Development shall appear for hearing.

Further inquiry posted on 04.09.2012 at 10:30a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 19<sup>th</sup> day of July, 2012.

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

