

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Penalty No.70/2011  
In  
Complaint No.65/SCIC/2011**

Capt. Madhukar A. Sheldekar,  
H. No. 2/267/A, Dongarpur Naik Vaddo,  
Calangute,  
Bardez – Goa .... Complainant.

V/s.

Shri Subodh V. Prabhu,  
Secretary,  
Public Information Officer,  
Office of the Village Panchayat Calangute,  
Bardez – Goa ... Opponent.

Complainant alongwith Adv. Shri V. Kamat.  
Adv. Shri R. N. Jurali for Opponent.

**ORDER**  
**(27.07.2012)**

1. By Order dated 25.10.2011 this Commission issued notice under Section 20(1) of the Right to Information Act, 2005 to the Respondent 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 the reply which is on record. In short it is the case of the Opponent that the Appellant sought opinion vide application dated 28.12.2010 under R.T.I. Act. That as opinion sought by the Appellant does not fall under the category of R.T.I. Act, 2005 and the respondent informed the appellant vide letter dated 28.01.2011 stating that opinion sought by him from point No. 1, 2 and 3 does not fall under the category of R.T.I. Act. That the reply given by the Opponent was within the period of 30 days as such there is no delay in furnishing reply. That Appellant preferred an appeal and Hon'ble F.A.A. directed the Opponent to furnish the information within 10 days which is unlawful and against the law that is R.T.I. Act. That as the Appellant has not sought information but had asked the opinion so the Opponent did not furnish information to the Appellant/complainant. That the Opponent wanted to challenge the order of F.A.A but could not do so in view of the Judgment of the Commission. In short according to him there is no provision under

R.T.I. Act, 2005 to give opinion as P.I.O. is not legal advisor. However, to help him in good faith he has furnished opinion on 25.10.2011 in the Commission. According to him he has not committed any offence.

3. Heard the arguments. Adv. Shri V. Kamat argued on behalf of the Complainant. Written arguments of the Opponent are on record.

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

It is seen that the application is dated 28.12.2010 and the reply is dated 28.01.2011. This is in time. It is seen that the Complainant preferred appeal directing the Opponent to furnish information within 10 days. This order is not complied. According to the Opponent what is sought is opinion and not information. It is to be noted here that the order was of F.A.A. The Opponent did not challenge the same hence the same stands. In case it was opinion he should have informed within 10 days. The Opponent failed to do so. I have perused the information furnished. The reply furnished is in terms of Goa Panchayat Raj. Apart from that one item was about name of Dy. Sarpanch. This was not certainly about opinion.

Admittedly there is delay in furnishing information/ complying the order of F.A.A.

5. I now proceed to consider the question of imposition of penalty upon the Opponent/P.I.O. under Section 20 of the R.T.I. Act. I have come to the conclusion that there is delay in furnishing the information. I have perused the explanation given by the Opponent. The same is due to non-appreciation of the provisions of the R.T.I. Act. However under R.T.I. Act delay is inexcusable. Public authorities must 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 legally impermissible. Besides it is also socially abhorring. Penalty helps to cure this social grief. R.T.I. Act provides Rs.250/- per day however considering the fact that it is due to non-compliance of the order, I am inclined to take a lenient view of the matter. However considering the pros and cons of the matter I feel that imposition of penalty of Rs.8000/- (Rupees Eight Thousand only) would meet the ends of justice.

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

**ORDER**

The Opponent/P.I.O. is hereby directed to pay Rs.8000/- (Rupees Eight Thousand only) as penalty imposed on him today. This amount of penalty should be recovered from the salary of P.I.O./Opponent for the month of October and November, 2012. The Office of Block Development Officer, Bardez to execute the order and recover the penalty from the Respondent/P.I.O. 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 **27<sup>th</sup> day of July, 2012.**

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

