

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

**Penalty No.45/SCIC/2011
In
Complaint No. 542/SCIC/2011**

Shri Subhash B. S. Jetha,
R/o. D-5, Junta House,
Mapusa,
Bardez - Goa

... Complainant.

V/s.

Public Information Officer,
Village Panchayat Secretary,
Siolim, Marna,
Bardez - Goa

...Opponent.

Complainant in person.
Opponent absent.

ORDER
(04.07.2012)

1. By Order dated 31.05.2011 this Commission issued notice under Section 20(1) of the Right to Information Act, 2005 to show cause why penalty action should not be taken against him for causing delay in furnishing the information.

The Complainant was also given an opportunity to prove that information furnished is incomplete, incorrect, misleading, etc.

2. During the course of hearing the Complainant submitted that he is not pressing regarding information being false, etc. In view of this inquiry proceedings are to be dropped.

3. In pursuance to the notice issued the Opponent filed the reply which is on record. In short it is the case of the Opponent that the information sought for by the Complainant vide his application dated 21.04.2010 has not been neglected but delayed due to additional Administrative work load and field work (Population Census) which is time bound and to be completed within the time frame. That the Complainant filed an appeal before the First Appellate Authority on 31.05.2010 under Appeal No. 359/2010 which was fixed for hearing on 15.06.2010 at 11:00 a.m. during which both

Complainant and Respondent were present. That the Appellant opted to have inspection of records and date was fixed on 19.06.2010, however, till 5:30p.m. on 19.06.2010 the Appellant had not visited the Panchayat to carry out inspection of records nor attended the matter on 25.06.2010 which can be verified from the proceeding sheet enclosed to the proceedings. That the Opponent filed reply dated 14.06.2010 in response to the application and appeal No. 359/2010/2833. Simultaneously second reply was filed on 24.06.2010 and 20.07.2010 respectively in connection to his application in which the Opponent has not placed any false records and information before First Appellate Authority. In short it is the case of the Opponent that required information is supplied to the Complainant before the First Appellate Authority and prior to disposal of the matter by the First Appellate Authority. That delay is not purposely and the same be condoned.

4. Heard the parties. According to the Complainant information was sought on 21.04.2010 and some information was furnished on 24.06.2010 and some on 20.07.2010.

During the course of his arguments P.I.O submitted that information is furnished. According to him delay was there due to census duty. He prays that the same be condoned.

5. I have carefully gone through the records of the case. It is seen that application is dated 21.04.2010. It is seen no information was furnished within 30 days hence appeal was filed. It is seen that by letter dated 14.06.2010 information is furnished. By letter dated 24.06.2010 some clarification issued. And by letter dated 20.07.2010 parawise explanation was furnished. It is seen that during First Appeal the Complainant opted to have inspection on 19.06.2010. According to Opponent he did not come. It is seen from proceedings sheet on record that on 28.06.2010 the Complainant insisted for inspection and date was fixed on 30.06.2010 at 03:00p.m. There is about 23 days delay in furnishing information if 14.06.2010 is considered and 33-34 days delay if 24.06.2010 is considered.

Admittedly there is delay in furnishing the information. The Opponent/P.I.O. attributes this delay on account of census work allotted to him.

6. I now proceed to consider the question of imposition of penalty on the Opponent under Section 20 of the RTI Act. Under Section 20 of the RTI Act the Information Commission must satisfy itself that P.I.O. has without reasonable cause refused/not furnished information within specified time frame. The word 'reasonable' has to be examined in the manner, which a normal person would consider it to be reasonable. Even though the Respondent has given explanation the fact remains that there was delay in furnishing information. Under RTI delay is inexcusable. As per RTI Act penalty is Rs.250/- per day. However in the factual backdrop of this case, and considering the fact that another time bound duty was assigned to the PIO, I am inclined to take a lenient view of the matter and feel that imposition of penalty of Rs.5000/- (Rupees Five Thousand only) would meet the ends of justice.

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

ORDER

The Opponent/P.I.O. is hereby directed to pay Rs.5000/- (Rupees Five 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 September and October 2012 by the Block Development Officer, Bardez. 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 04th day of July, 2012.

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

