

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Penalty No.63 /2011  
In  
Appeal No. 268/SCIC/2010**

Shri Suraj S. Halarnkar,  
H. No. D51/1, Chal Bhat,  
Dhauji Road,  
Old - Goa

**... Appellant.**

V/s.

Public Information Officer,  
Superintendent of Police (South),  
Margao - Goa

**...Respondent.**

Appellant present.

Adv. K. L. Bhagat for Respondent present.

**ORDER**  
**(11.07.2012)**

1. By Judgment and Order dated 18.08.2011 this Commission has issued notice under Section 20(1) of the Right to Information Act, 2005 to the Respondent No.1/P.I.O. to show cause why penalty action should not be taken against him for causing delay in furnishing the information.

2. In pursuance of the said notice the P.I.O./Respondent No. 1 has filed the reply which is on record. In short it is the case of the Respondent No. 1 that the Appellant had sought information on 18 points vide application dated 19.08.2010 and the P.I.O. furnished the information pertaining to the Police Station within Margao and Quepem Sub-Divisions vide letter dated 17.09.2010 i.e. from a period of 30 days from the date of receipt of his application and the Appellant was informed that the information pertaining to Vasco Division was awaited and the same would be furnished to the Appellant on receipt from Vasco Sub-Division. That therefore there is no delay whatsoever as far as information pertaining to the Police Stations within Margao and Quepem Sub-Divisions. That information pertaining to the points Nos. 2, 3 and 5 have been furnished to the Appellant in pursuance to the directions of the First Appellate Authority. The P.I.O. refers to information pertaining to the points Nos. 2, 3 and 5 and also Section 11(1)

about order of F.A.A., about Appellant not assisting public authority, in para 2 of the reply.

That as regards the information pertaining to Vasco Sub-Division the same was called from S.D.P.O. Vasco vide office Note No. Copy/R/555/2010 dated 20.08.2010 and further wireless messages dated 14.09.2010, 16.09.2010, 18.09.2010 and 22.09.2010 were sent to S.D.P.O. Vasco reminding them to send the information. On receipt of the said information from Vasco Sub-Division, the P.I.O. vide his letter dated 29.09.2010 intimated the Appellant to collect the information but the Appellant did not appear to collect the information and therefore the same was sent to him by Registered A/D Post and that delay, if any, caused should not be attributed to the P.I.O. in as much as the P.I.O. has not made any delay in furnishing the information to the Appellant on receipt of the said information from Vasco Sub-Division and that the Appellant did not turn up to collect the information inspite of intimation and, therefore, the delay caused in furnishing the information of S.D.P.O. Vasco should not be attributed to the P.I.O. In short according to the P.I.O. the information available with the public Authority has been furnished.

3. Notice was issued to the Sub-Divisional Police Officer, Vasco Sub-Division, Vasco-da-Gama and in pursuance of notice he appeared and I have heard him.

4. Heard the learned Adv. Shri K. L. Bhagat for Respondent No. 1/P.I.O and also heard the Appellant. Adv. Bhagat relied on the three rulings of C.I.C.

5. I have carefully gone through the records of the case, considered the arguments of the parties and also considered the rulings relied by Adv. Bhagat for Respondent No.1/P.I.O.

It is seen that information was sought by application dated 19.08.2010. The information was furnished in time except information belonging to Vasco Sub-Division which was furnished by letter dated 28.09.2010. According to the Appellant the delay is intentional.

Under Section 20 of the R.T.I. Act the Information Commission must satisfy itself that P.I.O. has without reasonable cause refused/not furnished

information within specified time frame. The penalty can be imposed only if there is no reasonable cause for not furnishing the information within the period of 30 days. The word 'reasonable' has to be examined, in the manner, which a normal person would consider it to be reasonable.

In the case before me the information was not with the P.I.O. The P.I.O. had to obtain from Vasco Sub-Division and Vasco Sub-Division sent the same beyond 30 days.

6. I have perused the rulings relied by the Advocate for Respondent/P.I.O. They are as under:-

(i) Smt. Rajani Pathak *v/s.* Ministry of Railways (CIC/OP/A/2009/000111-AD dated 19.01.2010). In this case application was dated 04.02.2008 received on 24.02.2008 and reply was furnished on 25.03.2008. It was interim reply and appellant was informed that information sought was 20 years old and the same was to be collected and compiled from various records and files and that it would take some time. It was observed as under:-

“In the light of the fact that the information sought is voluminous and that it had to be located from files which are 20 years old or more, the Commission condones the delay in furnishing of information by the CPIO and drops the penalty proceedings against the C.P.I.O.....”

(ii) Shri Uma Shankar Singh Chhapra *v/s.* Life Insurance Corporation of India (CIC/DS/C/2010/000569 dated 19.11.2010). In this case the application seeking information was dated October 2009. No reply was received so an appeal was preferred on 04.12.2009 before F.A.A. which also remained unadjudicated and consequently the appellant preferred Complaint before Commission. Respondent submitted that R.T.I. application as received on 18.12.2009 wherein it was found that the information sought pertained to the Chhapra Office of the Corporation and since the collection of information as expected to take time, an interim reply was sent to the applicant on 06.01.2010. Subsequently reply was sent on 12.02.2010 and disclosure of information was denied under Section 8(1)(j) since information sought pertained to third party.

It was observed as under:-

“Commission accepts the averments of the Respondent as credible and drops proposed penalty proceedings with a warning to the Respondent to be more careful in future in conforming to the prescribed time frame in providing information sought under the Act.”

(iii) Shri Aditya N. Prasad v/s. CBSE (No. CIC/OIC/C/2007/00288 dated 04.07.2008). In this case there was delay of more than two months beyond the period prescribed for reply in the R.T.I. Act. Show cause was issued by the Commission to the Respondents to explain why penalty should not be levied on them for delay under Section 20(1) of the R.T.I. Act. In reply to the show cause the Respondents stated that the information demanded by the Appellant was too voluminous, which had to be collected from the regional offices and then compiled, however, an interim reply was sent to the Appellant on 20.03.2008. It was observed as under:-

“After examining the facts and circumstances of the present case and especially in view of the fact that the Respondents had sent an interim reply informing the Appellant that the relevant material was being collected and collated, the Commission accepts the submissions of the Respondent and drops the penalty proceedings against the Respondents.”

From the above it can be safely concluded that penalty can be imposed only if there is no reasonable cause for not furnishing the information within the period of 30 days. The right to seek information is not to be extended to the extent that even if the information is not available for the good reasons still the same is to be furnished. It is pertinent to note that information was with Vasco Sub-Division.

7. From the material on record and the submissions advanced, I am satisfied that the delay in the delivery of information is neither willful nor deliberate. This is, therefore, not a fit case for the imposition of penalty under Section 20 of the RTI Act, 2005.

8. In view of the above and, particularly, in view of the fact that information was to be collected from Vasco Sub-Division and furnished, the delay, if any, should be condoned. Besides, the reasons given for delay meet

the test of “reasonable cause” under Section 20 of the RTI Act. Besides, delay is not much. Hence, I pass the following Order:-

**ORDER**

The Show Cause Notice is discharged and penalty proceedings are dropped.

The penalty proceedings are accordingly disposed off

Pronounced in the Commission on this 11<sup>th</sup> day of July, 2012.

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

