

# **GOA STATE INFORMATION COMMISSION**

**“Shrama Shakti Bhavan”, Ground Floor, Patto Plaza, Panaji – Goa.**

**CORAM:** Smt. Leena Mehendale, State Chief Information Commissioner

**Complaint 57/SIC/2011**

**Decided on: 07/04/2014**

Ashok Desai,  
309, 3<sup>rd</sup> Floor,  
Damodar Phase – 2,  
Near Margao Police Station,  
At Margao – Goa.

----- **Complainant**

V/s

1) Public Information Officer,  
Dy. Director of Administration,  
Public Works Department,  
Altinho, Panaji – Goa.

2) Assistant Public Information Officer,  
(Mrs. C. Fernandes),  
Office of the Dy. Director of Administration,  
Public Works Department,  
Altinho, Panaji – Goa.

3) The Deemed Public Information Officer,  
Superintending Engineer,  
PWD, Altinho, Panaji – Goa.

----- **Opponents**

**Respondent 1 and 3 ---- through Advocate Harsha Naik and K.L Bhagat respectively.**

## **ORDER**

This complaint was filed on 15/03/2011. It arises out of original RTI application dated 24/01/2011 made to the PIO namely Dy. Director of Administration Circle II, PWD Altinho. On the date of final hearing i.e 07/04/2014 Complainant was absent. However he had long back filed his written arguments on 08/09/2011 and 11/07/2012, hence his arguments can be taken as over.

Resp. No. 1, the PIO and Resp. No. 3 i.e the deemed PIO and Suptd. Engineer of circle I of PWD were both absent but their advocates H.N and K.L. Bhagat respectively were present.

It is pertinent to record a brief background of this Complaint. From the papers enclosed in the Complaint it is seen that the Complainant had made certain query about the legality of work done by the Canacona Municipality Council to which they had replied stating “*Work is done for public conveyance after doing all legal formalities*”. This prompted the Complainant to ask information under RTI Act.

On 11/10/2010 he asked the PIO of Canacona Municipality Council “to provide attested copies of documents related to “*ALL LEGAL FORMALITIES*” *undertaken / carried out as stated in your said letter dated 14/05/2010*”. To this, reply was given on 09/11/2010 by the Chief Officer of Canacona Municipality Council as below,

*“With reference to your application dated 11/10/2010 and I am to inform you that the rele4vant file along with all legal documents is forwarded to Superinendent Engineer, Circle-I, Altinho, Panaji for obtaining Revised Technical Sanction for the developmental work taken by this office. As soon as the same is received all attested copies of documents towards all legal formalities undertaken/carried out will be submitted to you”.*

The above finally resulted in the RTI application dated 24/01/2011 asking the PIO namely the Deputy Director, Administration, PWD, Head quarter, question No. 1 to 8 **and this RTI application is the subject matter of the present Complaint**. It is alleged at para 12 that he did not get the reply within 30 days as required under the Act. Moreover it is pointed out at para 15 that all the information that he was seeking was merely a matter of 10 minutes but the attitude of the PIO/APIO was itself questionable and showed scant respect for RTI applicant.

The memo of Complaint also narrates from para 1 to para 11 about the objectionable manner in which the working of the office of the Deputy Director, Administration gets conducted.

Further, even though he approached the office of the PIO on 07/03/2011 and gave another reminder application, the PIO/APIO have failed to give information within 30 days of the reminder.

He therefore prays for a compensation as well as for penalty to the PIO (Opponent No. 1) and the APIO (Opponent No. 2).

In his written submission dated 08/09/2011 it is further narrated by the Complainant that subsequent to his filing the reminder to the PIO, the PIO forwarded his application on 09/03/2011 to the Superintending Engineer, Circle I, PWD, who therefore becomes the Deemed PIO. He therefore asked permission to implede the Superintending Engineer namely Mr Rego Opponent No. 3 which permission was granted by the then SCIC vide his roznama order dated 25/10/2011.

I am deciding this complaint against the above stated back drop. The written submission from Opponent No. 1 is filed on 14/07/2011 And the written submission by the Opponent No. 3 is filed on 13/06/2012.

We will first peruse the written submission of Opponent No. 3 It is claimed that he has received the RTI application forwarded to him by Deputy Director, Administration II and PIO (Opponent No. 1) dated 09/03/2011. To this he had replied on 15/03/2011 stating that,

*“ sometime back (on 15/12/2010) he had requested the Chief Officer of Canacona Municipal Council to depute a Junior Engineer for clarification so that the technical sanction requested by the Canacona Municipality Council could be decided. However since no one from Canacona Municipality Council had visited his office the revised estimate had been kept pending and hence no information could be given to the Complainant.”*

In the written submission Opponent 1 it is claimed that the above reply of Opponent 3 was furnished to the RTI application vide letter dated 17/03/2011 by speed post.

From the written submission of the complaint dated 08/09/2011 it appears that the despite the claim of speed post, the Opponent 1 has nonetheless sent a reminder to the opponent no 3 on 17/07/2011. The Opponent No 3 claims to have prepared point wise information in respect of the RTI application and furnished

it to the Opponent No. 1 on 19/07/2011. However the Opponent no 1 seems to have received only a xerox copy and in turn has furnished a xerox of the xerox to the complainant. Since the requirement of the RTI Act is that the concerned PIO must supply certified information and not by way of mere xerox, it must be concluded that the requirements of the RTI Act have not been met with, and that both Opponent no 3 and 1 are at fault.

The complainant has therefore reiterated his stand. In the written submission, he has made 2 important points namely.

- The information submitted by the Opponent No. 3 or Opponent No. 1 cannot be treated as proper information under RTI Act unless both of them certify the xerox copies.
- Opponent No. 3 has merely tried to shift the onus of delay on the chief officer of Canacona Municipality Council which should not be taken as an acceptable excuse.
- The Opponent No. 1 also cannot evade the consequence of having delayed the information.

The complainant therefore reiterates his prayers.

- a) That this Hon'ble Commission may direct the Opponents to provide certified information to Complainants for his RTI application dated 24/01/2011.
- b) That this Hon'ble Commission may impose penalty against the Opponent No. 1 and Opponent No. 3 U/S 20 of the RTI Act 2005 for not supplying the information within the stipulated time at the rate of Rs. 250/- per day from 23/02/2011 till the date when the correct and true information is provided.

The two PIOs have reiterated that finally the applicant has received information. They rely on the written argument dated 08/09/2011 where at para 3 the complainant describes,

*“..... provided the Xerox copy of information i.e letter dated 19/07/2011 which was forwarded to the Complainant by post by the PIO under her office letter No. SPIO/RTI-ADMN(II)/330/2010/154 dated 28/07/2011 received by the complainant on 30/07/2011.”*

The PIO none the less admits that she failed to certify the xerox copies.

I agree with the contentions of the Complainant. It is clear from the records before me that all the Opponents 1, 2 & 3 have been quite casual and careless in their attitude towards answering the RTI questions, even if it may not be said immediately that their reluctance to reply was deliberate.

I therefore allow the Complaint case with following directions,  
The Opponent No. 3 should supply a certified copy of his reply dated 19/07/2011 sent to Opponent No. 1. He will send this directly to the Complainant so as to reach the Complaint before 30/06/2014. He will send another certified copy to Opponent No. 1 for their record.

The Opponent No. 1, 2 and 3 shall also be given a notice under section 20(1) for penalty action. They should submit their reply within a month of getting this order, explaining why Penalty should not be imposed on them under Section 20(1) of the RTI Act.

Sd/-

**(Leena Mehendale)**

Goa State Chief Information Commissioner

Goa State Information Commission

Panaji-Goa