

GOA STATE INFORMATION COMMISSION

Ground Floor, Shrama Shakti Bhavan, Patto Plaza,

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Complaint No. 153/SCIC/2012

Decided on: 22/04/2014

Thomas G. Fernandes,
C/o Mr. Alcino Francisco Fernandes,
Behind Kunde Petrol Pump,
Shoba Apartments S-4,
Margao-Goa.

.....Appellant

V/s
Public Information Officer,
Shri Sachin P. Naik,
Panchayat Secretary, Verna Panchayat,
Verna- Goa.

.....Respondent

ORDER

The Complainant Mr. Thomas Fernandes and the P.I.O. Shri Sachin Naik, the Village Panchayat Officer of Verna are both present.

The PIO claims that the RTI application dated 1/10/2012 was actually received in his office on 3/10/2012 for which he has sent reply on 3/11/2012 asking the complainant to remain present at the Office of village Panchayat Verna on 6/10/2012. The letter was sent by speed post and the Speed Post acknowledgement shows that the Complainant has received it on 5/11/2012. Yet the Complainant, instead of visiting his office, has approached the SCIC in complaint on 15/11/2012. The PIO therefore submits that, if the Complainant now visits his office, then he can inspect the entire file which is containing approximately 15-20 pages. On inspection whatever pages are required by the complainant, certified copies of the same will be provided. The complainant agrees to this procedure and undertakes to visit the Office of PIO within next 10 days.

It is therefore ordered that the Complainant should visit the office of PIO namely Village Panchayat Verna and inspect the file in regard to the alleged illegal construction or renovation carried out by Mrs. Maria Tereza Fernandes and Denial Fernandes. After inspection the PIO will furnish certified copies to the complainant.

This brings me to the question whether the PIO will furnish copies on payment or otherwise. The PIO claims that since he received the complaint on 3/10/2012 and posted a reply on 3/11/2012, therefore his action is within 30 days as required under the RTI Act. I have to hereby question him to understand it properly that his action is not as per the requirements of the RTI Act. Section 7(1) makes it clear that the PIO shall, within 30 days of the receipt of request, either provide the information or reject the request. It is therefore necessary to understand that if the Applicant is to be called for inspection or for making the payment of fees as per Section 7(3), then the said letter must be issued in advance. A letter issued on 30th day cannot be considered as in compliance with the requirements of Section 7(1).

PIO's should take note of a paradigm shift introduced by RTI ACT. As per all earlier procedures if a public office was given 30 days for a disposal then dispatching the necessary communication including an interim communication on 30th day was the norm. The RTI grants a period of 30 days to PIO for his reply. Thus, 30 days is the period by which final reply must be given. The PIO's dispatch about any interim action has to be obviously prior to that.

It is therefore directed that after inspection the complainant shall be given certified copies of the documents without costs. However, I do not find this case as requiring any action under Section 20(1). The complaint is allowed with above directions.

Sd/-
(Leena Mehendale)
Goa State Chief Information Commissioner,
Panaji-Goa