

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Penalty case No. 01/2008 In
Complaint No: 77/2007-08

Shri. Joseph Carneiro,
Plot 51, H. No. 1675, Journalist Colony,
Alto Betim, Bardez – Goa

..... Complainant

V/s.

1. Public Information Officer,
The Commissioner,
Corporation of the City of Panaji,
Panaji – Goa.
2. First Appellate Authority,
The Director of Municipal Administration,
Panaji – Goa.

..... Opponents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Dated: 18/09/2008.

ORDER

This matter has come up before us in an earlier complaint No. 77/2007 in which the Opponent No. 1 did not execute the orders passed by the Opponent No. 2 in full. The facts are already mentioned in our earlier order dated 24/05/2008. The Complainant has asked for certain information on 03/10/2007. Initially, Opponent No. 1 denied that the records are available with him stating that the records are not traceable. This reply itself is issued on 14/11/2007, 42 days after receiving the letter of request. Apart from delaying this information beyond 30 days, this is a misleading and incorrect information because part of the information, namely, copy of the occupancy certificate was issued by the same authority on 08/02/2008. The reply dated 14/11/2007 cannot be treated as supplying the information, as partial information was given on 8/2/2008 that too, at the intervention of the first Appellate Authority. The incomplete information was issued 127 days after receiving the request for information. The delay, thus, is 97 days and not 50 days. While asked to explain the reason for delay and why penalty should not be imposed on

...2/-

him, the Opponent flatly denied that there is any delay in furnishing the information and he has pointed out a mistake in the order dated 28/04/2008 of this Commission itself. What is mentioned in this Commission's earlier order is that "the Public Information Officer initially stated on 14/11/2007, after more than 42 days that the records are not available". This does not mean that the Commission has calculated the delay as 50 days. In fact, as explained above the delay is 97 days. Besides, earlier reply dated 14/11/2007 is wrong and misleading because the same authority has furnished the copy of the occupancy certificate requested by the Appellant.

2. As to the direction by this Commission to reconstruct the records of the construction plans, if necessary, by obtaining the copy either from PDA or Town & Country Planning Department, the Opponent No. 1 submitted that he was not successful in obtaining the copies. The construction plan is of a commercial building where a number of offices/establishments are functioning. It is necessary and essential for the Municipal Council to keep the records of construction plan initially approved so that subsequent alterations and changes by the various occupants could be considered by the Panaji Municipal Council. Instead of doing that the Opponent No. 1 did not exhibit any urgency or inclination to reconstruct records and above all has justified his mistake by denying that there is no delay on his part for giving the information. This is clearly not acceptable to the Commission.

3. The following officers held the post of the Commissioner of Corporation of City of Panaji and functioned as Public Information Officer for the periods shown against their names: -

- | | | |
|------------------|---|----------------------------------|
| 1. Elvis Gomes | - | From 01.03.2007 till 21.11.2007. |
| 2. Sanjiv Gadkar | - | From 21.11.2007 till 15.05.2008. |
| 3. No charge | - | From 15.05.2008 till 09.06.2008. |
| 4. Melvyn Vaz | - | From 09.06.2008 till date. |

4. The request for information was filed on 3/10/2007 during the tenure of Mr. Elvis Gomes. The 30 days period for furnishing the information also expired in his tenure itself. However, the show cause notice for penalty was replied by the present Commissioner, Mr. Melvyn

Vaz who is responsible for giving wrong reply to this Commission. Though the Commissioner is not directly responsible for the delay or even the misleading information given on 14/11/2007, he has misled this Commission in his reply filed to the show cause notice on 2/07/2008. However, a lenient view is taken of his mistake and is warned to be more careful in future.

5. Accordingly, the show cause notice is hereby dropped.

Pronounced in the open court on this 18th day of September, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

Sd/-
(G. G. Kambli)
State Information Commissioner