

GOA INFORMATION COMMISSION

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

Penalty Case No. 11/2008 in
Appeal No. 127/SCIC/2008

Shri. Shashikant B. Bhagat,
Bhagatwada, Nagevcim,
Canacona - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Chief Officer,
Canacona Municipal Council,
Canacona - Goa.
2. First Appellate Authority,
The Director,
Municipal Administration/Urban Development,
Panaji – Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 12/12/2008.

Adv. Mrs. Parsekar for Appellant.

Respondents absent.

ORDER

This order disposes off the show cause notice issued to the Respondent No. 1 by the Commission's notice-cum-order dated 13/10/2008 in the second appeal No. 127/SCIC/2008. It was already held that there was a delay while replying to the request for the documents by the Appellant from 2/7/2008 till 5/8/2008 for a period of 35 days. The Respondent No. 1, Mr. Agnelo Fernandes, was also directed to file an affidavit as to why he made a false statement before the First Appellate Authority to the effect that the document (the letter enclosing a cheque) is available in the Accounts Section. The Respondent No. 2, therefore, ordered that the Respondent No. 1 "shall make information available within 7 days." The Respondent No. 1 neither justified the delay in giving information that the documents requested are not available in his office as also did not submit any affidavit as directed. In fact, he has not participated in the inquiry in the main application except for filing a written statement in the registry that too after the case was called and court has adjourned for the day. The statement was handed over in the office registry.

2. While replying to the second appeal, the Public Information

...2/-

Officer has stated that "This is a mockery of the RTI Act 2005 wherein the appellant wants to settle his personal score as his request for permission to put up a permanent construction on the Municipal land was rejected by this Council." I do not find any mockery in the request filed by the Appellant. The issue is not about the permission to put up a permanent construction but is about not disposing off the RTI application within the statutory time of 30 days as required under section 7 of the RTI Act. It is also about making a false statement before the Respondent No. 2, Director of Municipal Administration, First Appellate Authority under the RTI Act that the requested document is available in the Accounts Section and subsequently sending a letter to the Appellant that the document is not traceable in his office. The issue is also about submitting a written statement without the required affidavit as directed by the Commission on 6th October, 2008 by post instead of presenting before Commission in the regular hearing. By not discharging his obligation under section 7(1) of the RTI Act and not participating in the proceedings before this Commission, it is Shri. Agnelo Fernandes, who had made a mockery of the RTI Act and not the Appellant.

3. The conduct of the Respondent No. 1 in dealing with the request for information as well as in replying to the notice issued by this Commission leaves much to be desired. I, therefore, have no hesitation in imposing a penalty on him for the deliberate disobedience of this Commission's order as well as delay in giving the information as stated above. The delay is 35 days and penalty at the rate of Rs.250/- per day works out to Rs.8750/-. However, a lenient view is taken and a penalty of Rs.5000/- is imposed on Shri. Agnelo Fernandes, Chief Officer, Canacona Municipal Council. The amount should be recovered from his salary for the month of January, 2009 in one installment. A copy of this order has to be sent to the Director of Municipal Administration to watch the recovery of the penalty. If the Municipal Council does not recover the penalty as directed above, the Director of Municipal Administration should withhold this amount from the grants released to the Canacona Municipal Council for this year.

Pronounced in the open court on this 12th day of December, 2008.

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

