

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 287/SIC/2008

Mrs. Severina Fernandes,
Behind St. Rita Boutique,
Naika Vaddo, Calangute,
Bardez – Goa.

..... Appellant.

V/s.

The Public Information Officer,
Village Panchayat of Calangute,
Bardez – Goa.

..... Respondent.

Appellant present in person.

Respondent also in person.

J U D G M E N T

(Per Afonso Araujo)

The Appellant sought information under the Right to Information Act, 2005 (for short the Act) by letter dated 21/10/2008 from the Public Information Officer, Village Panchayat Calangute which consist of certified copy of Resolution No. 9 dated 26/12/2001 which was taken on monthly meeting of the Village Panchayat. As the Public Information Officer – the Respondent did not provide the information within the prescribed period of 30 days, the Appellant construed is as deemed refusal and preferred First Appeal before the Block Development Officer, First Appellate Authority. By order dated 16/01/2009, the First Appellate Authority allowed the appeal and ordered the Respondent to provide information within 7 days. The Respondent did not comply with the order of the First Appellate Authority in providing the information, which led the Appellant in preferring the Second Appeal and praying for direction to the Respondent to furnish information and penalty to be imposed as per the provision of the Act.

2. The Respondent in reply to the averments made in the Appeal has stated that due to the administrative workload and additional duties given by the Election Commission, the matter was delayed and due to the court matters he could not attend the hearings and the

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order passed and that search has been made in the Panchayat but the proceedings book pertaining to the Resolution dated 26/12/2001 could not be traced and some time may be given to search the book.

3. As on 21/10/2008, the Appellant approached the Respondent and sought information which is certified copy of the Resolution No. 9 dated 26/12/2001. The information sought was specific and the Respondent did not provide this information at all. The Act cast a duty on the Public Information Officer to provide the information as quick as possible and specified limitation of 30 days to provide the information. If within such period the information is not provided, it amounts for refusal. Even the Respondent did not comply with the direction of the First Appellate Authority to provide information within 7 days in the order dated 16/01/2009. The justification given by the Respondent in the reply dated 4/5/2009 stating that due to the administrative workload and additional duties by the Election Commission and the attendance to the court matters would be relevant when the question of penalty to be imposed is taken up for consideration. The primary need of the Appellant is the information required and in such circumstances it will be proper that the Respondent be directed to provide the information required and the question of penalty to be decided after the information is provided to the Appellant. Hence, the following order: -

ORDER

The Appeal is allowed. The Public Information Officer, Secretary of Village Panchayat Calangute is directed to provide certified copy of Resolution No. 9 dated 26/12/2001 to the Appellant within the period of 15 days from the date of this order.

The Respondent to report compliance on 12/06/2009 at 10.30 a.m.

Pronounced in the open court on this 19th day of May, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

