

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 322/SIC/2008

Shri Joaquim I. M. Dias,
H. No. 1277, Sonarvaddo,
Raia, Salcete – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Dy. Director,
Sports and Youth Affairs,
Campal, Panaji - Goa.

2. First Appellate Authority,
The Director,
Sports and Youth Affairs,
Campal, Panaji - Goa.

..... Respondents.

Appellant alongwith his representative Raymond Rocha present.

Respondent No. 1 also in person

J U D G M E N T

(Per Afonso Araujo)

Not content with information received from the Information Officer and the order of the First Appellate Authority, the Appellant preferred this Second Appeal.

2. By letter dated 22/12/2008, the Appellant sought information under the Right to Information Act, 2005 (for short the Act) from the Public Information Officer of Directorate of Sports and Youth Affairs enumerated at Sr. No. 1 to 12. The Respondent No. 1 in the communication dated 19/01/2009 provided the information sought and by referring to the annexure which is a check list for the land acquisition cases. The Appellant by letter dated 3/2/2009 approached the First Appellate Authority stating that the information is misleading and false. The Respondent No. 2 by order dated 27/02/2009 disposed off the Appeal with observation that that Appellant was satisfied with explanation and documents provided and he does not wants to proceed further. Aggrieved by this Order, the Appellant preferred the Second Appeal on 30/03/2009 with a prayer that unfurnished information to be

...2/-

given to the Appellant; initiate disciplinary action and declare null and void the order passed by the First Appellate Authority.

3. Heard Shri Raymond Rocha, authorized representative of the Appellant and Smt. Juliana Colaco, Public Information Officer. I have gone through the records of the case and submission of both the parties.

4. It appears that a land situated within Village Panchayat of Raia was acquired by the Directorate of Sports and Youth Affairs for the village school playground and the information sought by the Appellant concerned with this land acquired. The grievance of the Appellant in this Appeal is that the Appellant requires the unfurnished information at points No. 2, 4, 7, 8, 9, 10, 11 and 12 of the letter dated 22/12/2008. The replies offered by the Respondents in the letter dated 19/01/2009 is that such information is not available in the file. It may be pointed out here that in the process of this acquisition of land by the Government, three Departments are involved namely; Acquiring Department, Land Acquisition Officer, PWD and Village Panchayat where the acquired land is situated. In cases where the information sought is not available with the concerned Public Authority, the same Public Authority under section 5(4) of the Act may seek the assistance of a any other officer. Section 5(4) says: -

“Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other office as he or she consider it necessary for the proper discharge of his or her duties.” If the information is available within the jurisdiction of the concerned Public Information Officer the said officer can take the assistance of other officer or officers which is in possession of such information. Even the Act provides cases where information is available with other public authorities and in such cases the Public Information Officer has to transfer the information to other Public Information Officers. Section 6(3) says: -

“Where an application is made to a public authority requesting for an information,-

- (i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this subsection shall be made as soon as practicable but in no case later than five days from the date of receipt of the application."

This provision empowers the Public Information Officer to transfer the information sought to other Public Information Officer but with a condition that such transfer has to be intimated to the information seeker and it has to be done within five days from the receipt of the application for information.

5. The Respondent No. 1, if the circumstances required take recourse to the provision of section 5(4) or 6(3) of the Act and provide the information to the Appellant. No doubt that the reply given by the Respondent No. 1 has also reference to the annexure which is a check list of land acquisition cases. However, the replies are not specific and the Respondent No. 1 to provide information at points No. 2, 4, 7, 8, 9, 10, 11 and 12 of the letter dated 22/12/2008. The question of penalties to be imposed under section 20 of the Act to be dealt with after the compliance of this direction. For the sake of repetition, the Respondent No. 1 may provide information available from records of the Department or seek assistance from other officers of the Department and even transfer such information if it pertains to other Department. With these observations, I pass the following order: -

ORDER

The Appeal is allowed. The Order dated 27/02/2009 of Respondent No. 2 is set aside. The Public Information Officer is directed to provide information at Sr. No. 2, 4, 7, 8, 9, 10, 11 and 12 of letter dated 22/12/2008 to the Appellant by 19th June, 2009.

...4/-

The Respondent No. 1 to report the compliance of this direction on 25/06/2009 at 10.30 a.m.

Pronounced in the open court on this 29th day of May, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

