

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 46/SIC/2008

Villa Nova C. L. Fernandes,
Simon Printers and Stationers,
Simon House No. 449, Parra Canca,
Abaixo Vaddo, Bardez – Goa.

..... Complainant.

V/s.

1. Public Information Officer,
The Mamlatdar of Bardez,
Mapusa – Goa.
2. Public Information Officer,
The Assistant Director of Civil Supplies
And Consumer Affairs,
Panaji - Goa.

..... Opponents.

Dated: 18/06/2009.

Complainant present in person.

Shri Krishna Naik, authorized representative for Opponent No. 1.

ORDER

This complaint deals with the grievance of not providing the information by the Public Information Officer, Mamlatdar of Bardez, Mapusa.

2. The Complainant came across the ration card of one Dinanath Babi Parab wherein the house No. 449 mentioned in the ration card is of the Complainant. The Complainant approached the P.S.I. Mapusa Police Station with an application dated 28/04/2008 in order to inquire as to how Dinanath Babi Parab referred to his house number in the ration card. On the same day, he also approached the Mamlatdar of Bardez and on 20/6/2008 sought the information under the Right to Information Act, 2005 (for short the Act) addressed to the Mamlatdar of Bardez, Mapusa with a request to give him certified copies of documents such as who had given the NOC and all other documents that Dinanath Babi Parab produced in the office of Mamlatdar to obtain the ration card. Again on 15/09/2008, the Complainant approached the Mamlatdar under the Act and required certified copies of the documents which were used for obtaining the ration card with the house number of the Complainant. As

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the Complainant has not received any reply by letter dated 15/10/2008 addressed to the Asst. Director of Civil Supply made the same request under the Act. On 16th October, 2008, the Complainant approached the Additional Collector, First Appellate Authority stating that the Mamlatdar did not reply to the information sought and action may be taken against the responsible for making use of the number of his house in the ration card. By letter dated 03/11/2008, the Additional Collector informed the Complainant that the request cannot be considered under the provision of the Act and advise him to approach the Director of Civil Supply and Price Control. Since the Complainant did not obtain the information sought from the Opponent No. 1, preferred this complaint on 17/11/2008 with a prayer to take penal action against Dinanath Parab and Shivanand Parab and provide information as to who has given them the N.O.C.

3. The Complainant by request dated 20/06/2008 sought the information from the Opponent No. 1 and required the certified copies of the documents which were produced before the Opponent No. 1 to obtain the ration card of Dinanath Babi Parab. The Complainant required these documents as he came to know that in the ration card of Dinanath Babi Parab the house No. 449 figures in the ration card of the said Dinanath Parab and this house No. 449 is of the Complainant. In matters of obtaining ration card, it is the Opponent No. 1 who issue the ration card based on the report prepared by the Talathi of the concerned village and in turn the respective Talathi prepares the report based on various documents which are required for the purpose of obtaining ration card. The Complainant as soon as he noticed that the number of his house is mentioned in the ration card of the said Dinanath Babi Parab, he required the documents on which the said Dinanath Parab has produced to obtain the ration card. The Opponent No. 1, as well as the First Appellate Authority instead of seeking the assistance of the Talathi of the Village Panchayat Verla Canca directed the Complainant to approach the Civil Supply Department to get the information sought. No doubt that this is not within the purview of the Act to take action against Dinanath B. Parab for getting the ration card by taking advantage of the house No. 449 of the Complainant. If there is any fraud or cheating in this regard, the Complainant to approach the proper authority for redress. The penal action which the Complainant is seeking can be made use only within the

provision of the Act. The reliefs which can be provided under the Act are to provide the information to the Complainant and impose penalties for the delay or refusal to provide the information.

4. The Opponent No. 1 is directed to provide the information in the request of the Complainant dated 20/06/2008 and furnish the certified copies of the documents which the Talathi, requires to prepare the report for the purpose of obtaining ration card by Dinanath Babi Parab. They are:

- (i) Declaration dated 15/2/2007 of Dinanath Babi Parab;
- (ii) Form No. I dated 3/4/2008 which is an application for issue a Certificate of Income in the Panchayat area of Dinanath Parab;
- (iii) Affidavit of Dinanath B. Parab dated 10/04/2008 sworn before the Executive Magistrate, Mapusa.

By taking recourse to the provisions of sections 5(4) and 5(5) of the Act, this information the Public Information Officer, Mamlatdar of Bardez must obtain through the assistance of Talathi of Village Panchayat Verla Canca and provide to the Complainant the certified copies of the above mentioned documents within 15 days from the receipt of this order. Hence, this Complaint is disposed off accordingly.

Pronounced in the open court on this 18th day of June, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

