

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 57/SCIC/2008

Shri Atmaram Dinanath Naik,
H. No. 54, At Kamral,
Curchorem – Goa.

..... Complainant.

V/s.

The Public Information Officer,
The Chief Officer,
Curchorem-Cacora Municipal Council,
Curchorem – Goa.

..... Opponent.

Complainant present in person.

Adv. Shri Savoikar for Opponent.

ORDER

Non-compliance of this Commission's order dated 12/12/2008 directing the Opponent to provide information within 10 days is been dealt in this Complaint.

2. The Complainant on 12/3/2008 sought information and required copies of five documents mentioned in the said letter and which pertains to house tax register. As neither the Public Information Officer provided the information within stipulated period of 30 days, nor the First Appellate Authority has passed the judgment within the prescribed period of 45 days, this Commission by order dated 29/9/2008 issued a show cause notice which was the subject matter of Penalty Case No. 10/2008. By order dated 12/12/2008, this Commission while disposing the case directed that the documents required by the Complainant to be given to him within 10 days and also made the following observations: -

"As the responsibility lies on the previous Chief Officer Shri John Fernandes which was not discharged by him and who was not served the show cause notice. The present show cause notice against Mrs. Laura Britto is discharged. However, she is warned to be more careful in future in dealing with the RTI applications."

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3. The request for information sought by the Complainant was on 12/03/2008. On this day when the application for information was submitted, the Public Information Officer was the Chief Officer Ms. Biju Naik and from the period 13/3/2008 to 26/5/2008, the Public Information Officer was the Chief Officer John Fernandes. It is mandatory under section 7(1) of RTI Act to the Public Information Officer to decide the application for information either by providing the information on payment of necessary fees or denying under sections 8 and 9 of Right to Information Act (for short the RTI Act). Further under the same provision, the Public Information Officer has to provide the information as expeditiously as possible and within the period of thirty days. The information sought on 12/03/2008, the Public Information Officer did not at all provide the information and as per the provision of section 7(2) it amount to deemed refusal. Since the entire responsibility to provide information was on the Public Information Officer – the then Chief Officer John Fernandes, a show cause notice is required to be issued to the said John Fernandes on the denial of the information sought.

4. As the primary concern under the RTI Act is to provide information to the citizens, the Opponent to provide the information to the points 1, 2, 3, 4 and 5 of the request dated 12/03/2008 within twenty days from the receipt of the order. A show cause notice to be issued to Shri John Fernandes, the then Chief Officer of Curchorem-Cacora Municipal Council as to why penalty should not be imposed on him for not providing the information to the Complainant and file the reply on 20/10/2009.

Pronounced in the open court on this 22nd day of September, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

