

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Penalty Case No. 19/2008 in  
Appeal No. 192/SCIC/2008

Anupama Mirashi,  
Avinash Niwas,  
Giri, Bardez – Goa.

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Complainant.

V/s.

Public Information Officer,  
Corporation of City of Panaji,  
Panaji - Goa.

.....

Opponent.

Adv. Ryan Menezes present for Complainant.

Opponent absent.

## **ORDER**

(Per Afonso Araujo)

The information sought by the Complainant in the request dated 12/08/2008 was not provided within the stipulated period of 30 days and as it amounted to deemed refusal and due to the failure on the part of the Opponent to comply with the order of the First Appellate Authority to provide the information within 7 days, this Commission by order dated 6/02/2009 has observed that 148 days of delay had occurred and the Opponent should explain why the maximum punishment of Rs.25,000/- should not be imposed on him and also directed the Opponent to provide information within 10 days.

2. As the Opponent did not comply with the order of the Commission, the present penalty proceeding was initiated against the Opponent. Pursuant to the show cause notice, the reply was filed by the Opponent stating that prior to the order dated 22/10/2008 of the First Appellate Authority, he has provided the information by letter dated 16/10/2008.

3. Shri Menezes appearing for the Complainant stated that there was negligence on the part of the Public Information Officer – Melvyn Vaz to provide information and that in this penalty proceeding nothing is required to be discussed and maximum penalty of Rs.25,000/- be imposed on the said Public Information Officer.

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4. As the information was sought on 12/8/2008 was not provided within the period of 30 days stipulated in section 7(1) of the RTI Act; the order of the First Appellate Authority dated 22/10/2008 directing the Opponent to provide the information within 7 days was not complied with and the order of this Commission dated 6/2/2009 directing the Opponent to provide information within 10 days, was also not complied with, indicates that there was a delay to provide the information sought. The contention of the Opponent is that the information was provided on 16/10/2008 before the order of the First Appellate Authority passed on 22/10/2008. Though the information was provided by letter dated 16/10/2008, it was not communicated to the First Appellate Authority. However, this Commission in the order dated 6/2/2009 by referring to the order dated 22/10/2008 of the First Appellate Authority observed: - "Shri Dias on behalf of Public Information Officer admitted before the First Appellate Authority during the hearing of First Appeal that the information requested is readily available." Admittedly, there was a delay but considering the fact that the main purpose of the RTI Act is to provide information and the fact that the Opponent provided the information on 16/10/2008 and the Complainant was satisfied with the information provided it would not be proper to impose maximum penalty and a lenient approach is required to be taken.

5. The vastness and complexities of matters pertaining to the affairs of the Corporation of City of Panaji requires the records to be maintained in a proper and orderly manner. Section 4(1) of the RTI Act cast an obligation to the public authorities to maintain all its records duly catalogued and indexed and the form which facilitates the right to information under the Act. From the various cases pending before this Commission, it has been noticed that whenever any information sought from the Public Information Officer of the Corporation, is either not provided or delayed and this fact cannot be attributed solely on the Public Information Officer. If the public authority do not adhere to the mandatory provisions of section 4(1) of the RTI Act it will be difficult for the Public Information Officer to promptly provide the information sought. The purpose of provision of section 4(1) of the RTI Act is to ensure that the records are easily accessible and the Public Information Officer efficiently provides the information to the citizens. The delay in providing

the information has caused to some extent harassment to the Complainant for which the public authority – Corporation is also responsible and as such the Complainant needs to be compensated.

6. A penalty of Rs.5,000/- is imposed on the Public Information Officer – Melvyn Vaz. This amount of penalty should be recovered from the salary of Shri Melvyn Vaz for the month of November, 2009. A copy of this Order should be sent to the Director of Accounts, Panaji - Goa.

7. The Corporation of City of Panaji to pay to the Complainant a compensation of Rs.5,000/-. This amount to be paid from the funds of the Corporation of City of Panaji.

Pronounced in the open court on this 29<sup>th</sup> day of September, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



