

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 44/2009

Dr. (Mrs.) Ena Maria Carvalho Abreu,
Res. "NIVARA", H. No. 240, Socolvaddo,
Assagao, Bardez – Goa. 403 507

..... Complainant.

V/s.

Public Information Officer,
Village Panchayat Secretary,
Assagao, Bardez – Goa.

..... Opponent.

Complainant alongwith her son Robin Abreu present.

Opponent in person.

ORDER

By request dated 6th June, 2009 and received by the Opponent on 8th June, 2009, the Complainant sought the information listed at items 1 to 20 and pertaining to various issues of Shantadurga Bottling Company and Balkrishna Bottling Company. The Opponent by communication dated 4/7/2009 provided the information to the items 1 to 20 and stated that the information asked is not traceable in the records of the Village Panchayat and the same be treated as nil.

2. The Complainant in the request of 8/6/2009 sought specific information and the Opponent in the communication dated 4/7/2009 dealt with the request of the Complainant in the most casual manner and provided a uniform reply which does not answer the specific questions sought by the Complainant. Under the Right to Information Act, 2005 (for short the RTI Act) the entire responsibility to provide the information to a citizen rest entirely on the Public Information Officer. Once an information is sought under the RTI Act, the Public Information Officer must decide either to provide the information on payment of prescribed fees or reject on the grounds mentioned under sections 8 and 9 of the RTI Act. In cases where the information sought under the RTI Act is not

available with the Public Information Officer to whom the request for information was addressed, recourse can be sought to the three provisions of the RTI Act so as to enable the Public Information Officer to provide the required information to the information seeker. As per the provision of section 5(4) of the RTI Act, the Public Information Officer may seek the assistance of any other officer as he consider necessary for proper discharge of his duties. According to section 5(5) such officer will be treated as Deemed Public Information Officer. In cases where the application for information is held by the another public authority or subject matter is more closely connected with the function of another public authority, the Public Information Officer to whom the request was made has to transfer as per the provision of section 6(3) of the Act to the Public Information Officer having such information. By invoking the provisions of section 11 of the RTI Act, the Public Information Officer can seek the information from the third party and provide the same to the information seeker.

3. On perusing the request of the Complainant for information dated 8/6/2009, the Complainant requires to know whether the Village Panchayat has issued licence to Shantadurga Bottling Company and Balkrishna Bottling Company Ltd. to manufacture sodas, soft drinks, colour aerated water; ownership documents produced by the owners for the purpose of licence whether permission was given to operate the garage, park trucks, operate spray paint and welding. The Opponent instead providing the information to the Complainant or seeking the assistance of any other officer or transferring to another Public Information Officer, merely give an evasive reply stating that this information is not available with the Village Panchayat in all the items enumerated from 1 to 20 to the letter dated 8/6/2009.

4. The Opponent is directed to reply to the points 1 to 20 either by providing the information or seeking the assistance or transferring to other Public Information Officer as the circumstances require. The Public Information Officer to provide the information within the period of 20 days from the receipt of this order and the Public Information Officer to report compliance on 4/11/2009. In cases where the information has to be transferred the Opponent to do within the period of 5 days from the

receipt of this order and inform the Complainant about such transfer and request the concerned Public Information Officer to provide information directly to the Complainant.

Pronounced in the open court on this 5th day of October, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

