

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Motilal S. Keny, State Chief Information Commissioner

Appeal No. 78/SCIC/2009

Mr. Rui Ferreira,
H. No. E1, Near Panaji Church,
Panaji, Goa – 403 001.

..... Appellant.

V/s.

1. The Public Information Officer,
The Deputy Registrar of Co-op. Societies,
Government of Goa, "Sahakar Sankul",
4th & 5th floor, Patto, Panaji - Goa.
2. First Appellate Authority,
The Registrar of Co-op. Societies,
Government of Goa, "Sahakar Sankul",
4th & 5th floor, Patto, Panaji - Goa.

..... Respondents.

ORDER (13-11-2009)

This is an appeal preferred by the Appellant, Rui Fereira, praying for a direction to the Respondent No. 1, Dy. Registrar of Co-operative Societies to furnish the information sought as well as to impose cost/fine.

2. The brief facts of the case are that the Appellant filed an application before the Public Information Officer (P.I.O.) the Dy. Registrar of Co-operative Societies seeking some information pertaining to Goa Urban Co-operative Bank Ltd.; that the Respondent No. 1 neither furnished the information nor procured the information sought by the Appellant within the prescribed period as per the RTI Act. However, the Respondent No. 1 by a communication requested the Chairman, the Goa Urban Co-op. Bank Ltd. to furnish the information directly to the applicant; that on various occasions the Appellant approached the Goa Urban Co-op. Bank Ltd. but every time he was told that Chairman was

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not available and as such information was not furnished. It is further the case of the Appellant that since information was not furnished within the prescribed period of 30 days, the Appellant preferred the First Appeal before Respondent No. 2 and that Respondent No. 2 did not give fair opportunity to the Appellant but instead taken on record a reply dated 11/05/2009 of Goa Urban Co-op. Bank which was not a party respondent. That the Respondent No. 2 passed the order which was delivered to him on 3/8/2009. By the said order appeal was partly allowed, however, failed to direct Respondent No. 1 to furnish the information.

Being aggrieved by the said order the Appellant approached this Commission challenging the said order on various grounds which are enumerated in the memo of appeal.

3. It is the case of the Respondent No. 1, as set out in their reply dated 24/09/2009, that Respondent No. 1 is not in physical possession of the requisite information and that he transferred the said application in terms of section 6(3)(ii) of the RTI Act 2005, to the concerned Bank.

4. Heard the arguments of the Appellant as well as of Respondent No. 1. The Appellant enumerated facts in detail on similar lines as mentioned in the Memo of Appeal. According to him the application was not sent in time and that P.I.O had information but did not give the same. He also narrated the treatment meted to him at the concerned offices. According to him information ought to have been furnished.

5. During the course of their arguments, Respondent No. 1 submitted that they did not have the information and that they

transferred the application to the concerned office.

6. I have carefully gone through the records of the case, considered the arguments advanced and also perused the order of the First Appellate Authority. The point that arises for my consideration is whether the Appellant is entitled for the relief prayed?

At the outset I must say that object of the Act is to ensure greater and more effective access to information under the control of public authorities. Section 3 ensures that subject to the provisions of the Act all citizens have the right to information. To put in a nutshell the Right to Information Act ensures maximum disclosures and minimum exemptions, consistent with constitutional provisions prescribing at the same time confidentiality of sensitive information.

In the case at hand admittedly the application was made by the Appellant before Respondent No. 1. The information pertained to Goa Urban Co-op. Bank, though Bank is not a party. P.I.O. referred the matter to the concerned Bank in terms of section 6(3)(ii) of the Act. No doubt P.I.O. acted legally. The grievance of the Appellant is that P.I.O. did not inform the Appellant properly and did not send within prescribed time.

Section 6 of Right to Information Act deals with request for obtaining information. It also provides for transferring the request to the other concerned public authority who may hold the information.

7. The Respondent No. 1 did follow section 6(3)(ii) however did not send within the prescribed time nor inform the Appellant accordingly. There is no room to hold that it is due to malafide intention but may be

due to lack of proper appreciation of the provision of the Act. I feel that it is necessary that Appellant should get a chance to put his case before P.I.O. and also get his valuable right of First Appeal.

I have also perused the order of First Appellate Authority in which there is mention of Goa Urban Bank as well as reply dated 11/05/2009. According to the Appellant he was not aware of the same. In any case in my view something is lacking and both the parties should get full opportunities. Solely with this view I wish to remand the matter back so that procedure prescribed be followed.

8. The Appellant is directed to approach the P.I.O. within 2 or 3 days on receipt of this order. The P.I.O. to provide information available with him and in case recourse is taken to section 6(3)(ii), to do the same within prescribed time and inform the Appellant accordingly so that he may be able to present his case.

All the concerned authorities to deal with the matter in accordance with the law and within prescribed time.

Needless to say that this authority has not expressed any opinion on merits of the case.

9. The next aspect is cost/time. Since I observed above that there was no malafide intention I do not wish to invoke the penal provision of the Act.

10. The Appellant has also made some allegations about the behaviour of officers of Bank. However, it would not be proper to

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comment on the same unless other side version is heard. It is said that politeness and courtesy are more precious than gems; they give satisfaction to man, endear him to his creator and to the public.

11. In view of all the above the appeal is disposed off in terms of the above.

Panaji, dated 13th day of November 2009.

Sd/-
(Motilal S. Keny)
State Chief Information Commissioner

