

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 88/SCIC/2009

Shri Atish P. Mandrekar,
H. No. 549/C, Vodlem Bhat,
Taleigao, Panaji - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Dy. Registrar of Co-operative Societies,
Panaji, Tiswadi – Goa.
2. First Appellate Authority,
The Registrar of Co-operative Societies,
Sahakar Sankul, Patto, Panaji - Goa.

..... Respondents.

Appellant in person.

Respondent No. 1 and 2 also in person.

J U D G E M E N T **(07-12-2009)**

1. The Appellant has preferred this Appeal praying that the information, as requested, be furnished to him; that action be taken on Public Information Officer - the Dy. Registrar of Co-operative Societies, Panaji for not providing information and penalty be imposed; that inspection of file documents be given; that disciplinary action be taken and also for compensation and costs.

2. The brief facts leading to the present appeal are that the Appellant by his letter dated 17/04/2009 asked certain information, from Public Information Officer ('P.I.O' for short) the Dy. Registrar of Co-operative Societies, under Right to Information Act, 2005 ('R.T.I.' for short). That unsatisfactory reply dated 11/05/2009 was received from the P.I.O. It is the case of the Appellant that being not satisfied with the

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reply, he filed the Appeal before First Appellate Authority ('F.A.A.' for short). That the F.A.A./Respondent No. 2 failed to hear and decide the appeal within the stipulated time period for which Appellant moved an application restraining Respondent No. 2 from hearing and deciding the said matter.

Being aggrieved the Appellant landed before this Authority challenging the order of P.I.O. on various grounds which are fully set out in the memo of appeal.

3. The Respondents resist the Appeal and their reply is on the record. In short it is their case that the information sought was furnished in respect of point No. 1 to 6 within the stipulated time period and the rest of the information was not available on the records of the Public Information Officer and as such could not be furnished. It is also their case that Co-operative Societies have not been notified as Public Authority by State Government and, therefore, the information sought could not be called on from respective Society. Respondents also refer to the Writ Petition bearing No. 428/2007 pending before Hon'ble High Court of Judicature at Bombay, Goa Bench, for decision.

4. Heard both sides in detail. I have carefully gone through the records of the case, the order of P.I.O. and also considered the arguments advanced by both the parties. The point for my consideration is what relief the Appellant is entitled to?

5. At the outset I must say that the object of the RTI Act is to ensure greater and more effective access to information under the control of Public Authorities. Information is like an oxygen for a

democratic society. Section 3 of the Act ensures that subject to the provisions of the Act all citizens have the right to information. As per the scheme of the RTI Act the same ensures maximum disclosures and minimum exemptions consistent with constitutional provisions prescribing at the same time confidentiality of sensitive information.

6. In the case at hand admittedly the application was made by the Appellant. The information pertained to Saha Uddhar Urban Credit Co-operative Society Ltd. though the said Society is not a party. The Respondent No. 1 has furnished some of the information, however, some information is not available in their office records. It is to be noted here that F.A.A. has not disposed off the appeal within the stipulated period.

The Appellant herein wants the information. During the course of the arguments it was suggested that the matter be remanded back so that the parties get full opportunity. Respondents on their part can take recourse to the provisions of R.T.I. Act in an attempt to obtain information. The parties, particularly the Appellant has no objection. Solely with this view, I wish to remand the matter back so that procedure prescribed be followed.

7. In view of this the Appellant does not press any other reliefs prayed in the memo of Appeal.

It would not be out of place to mention here that F.A.A. has not disposed off the Appeal within stipulated period. Hope in future they strictly adhere to the time prescribed by R.T.I. Act in disposing the Appeal.

In view of all the above I pass the following order: -

ORDER

Respondent No. 1/P.I.O. to forward the application of the Appellant to the concerned Society in accordance with the provisions of RTI Act. The concerned Society to deal with the application/dispose the same within 20 days from the receipt of the application. P.I.O. to report compliance by 04/01/2010.

In view of this, the Appellant does not press the other reliefs. The Appeal is disposed off in terms of above.

Pronounced at Panaji on 7th day of December, 2009.

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

