

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 105/2009

Mr. Yogesh S. Naik,
2nd Floor, Gurudatta Building,
Near Jama Masjid, Panaji - Goa.

..... Complainant.

V/s.

The Public Information Officer,
Goa Coastal Zone Management Authority,
Saligao – Goa.

..... Opponent/Respondent.

Complainant in person.

Opponent absent.

ORDER **(12-03-2010)**

1. The Complainant, Shri Yogesh S. Naik, has filed the present Complaint praying that the Respondent be directed to provide the Complainant all the information sought vide application dated 8/10/2009; that penalty under section 20 be imposed upon the Respondent for failing to provide the information and for cost and compensation for violating the provisions of the Right to Information Act, 2005 (for short the 'R.T.I. Act').

2. The facts leading to the present Complaint are as under: -

That the Complainant vide application dated 18/10/2009 sought certain information from the Respondent/Opponent. That the Respondent despite being duty bound to provide information as expeditiously as possible and in any case within 30 days has failed and neglected to do so. It is the case of the Complainant that the Respondent has ignored/neglected to provide the information. Hence, the present Complaint.

3. The Respondent/Opponent were duly served and their say is on

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record. It is the case of the Opponent that an application under Right to Information Act was received in their office addressed to "The Public Information Officer, Goa Coastal Zone Management Authority (GCZMA), Saligao Goa" on 8/10/2009. That later on the Complainant preferred this Complaint. It is also the case of the Opponent that GCZMA is an independent Authority functioning under the Department of Science, Technology and Environment (DSTE) and its office functionaries are contract basis staff. That GCZMA had appointed Smt. Asha Dessai as Public Information Officer who was functioning as Legal Assistant and Smt. Indira Bandekar as Asst. Public Information Officer who was working as Junior Stenographer. That both these officers have resigned from their services and their contracts have been discontinued. That GCZMA is under the process of reconstitution by Ministry of Environment & Forest, Government of India and also in the process of appointing more staff. That the Opponent is the only full time officer presently functioning in the Authority and also functioning as Joint Secretary (Finance), Additional Charge and Officer on Special Duty (OSD) to the Hon'ble Chief Minister and thus has to handle multifaceted tasks and other job responsibilities. Opponent expresses regret for not submitting information in time. In short information has been furnished though belatedly.

4. Heard the Complainant. On earlier occasion the Opponent had submitted that information is furnished. Perused the records. It is seen that information was sought on 8/10/2009. However, the same was furnished on 21/1/2010 i.e. after filing the Complaint. There is delay of about 70/73 days in furnishing the information.

It is to be noted here that RTI Act, in general, is the time bound

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programme between the Administration and the citizen requesting information and every step will have to be completed within the time schedule prescribed for presentation of request and disposal of the same, presentation of Appeal and disposal by the Appellate Authority.

I have perused the reply. It is seen that at the relevant time there was some problem of staff including Public Information Officer and Asst. Public Information Officer and as such Opponent was handicapped. The reasons stated are valid and appealing, however, RTI Act do not take into account these things. More over it is a fact that there was no malafide intention. Complainant also does not press for penalty. Therefore, no penalty is imposed. However, Opponent will bear in mind time schedule in future.

5. Now it is to be seen whether the information is furnished or not.

According to the Complainant all the information has been furnished but some is not yet furnished. He drew my attention to Point 4 and reply thereto. As per reply 39 applications are under process. As per Annexure 'A' colly only 30 names are given. If there are 39 names the remaining nine (9) ought to have been given.

6. In view of the above, the Opponent to furnish the said nine (9) names within 15 days from the receipt of the Order. No further intervention of this Commission is required. The Complaint is accordingly disposed off.

Pronounced in the Commission on this 12th day of March, 2010.

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

