

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 61/SCIC/2009

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

..... Complainant.

V/s.

The Commissioner,
Corporation of City of Panaji,
Having Office at Municipal Building,
Panaji - Goa.

..... Opponent/Respondent.

Complainant in person.

Opponent absent.

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

1. This is a Complaint filed by Complainant, Yogesh S. Naik, praying that penalty under section 20 be imposed upon the Respondent for not furnishing the information; for a direction to furnish the information for costs and compensation for violating the provisions of R.T.I. Act.

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

That the Complainant filed an application dated 30/7/2009 under Right to Information Act ('RTI' Act for short) seeking certain information. That being duty bound to provide the information as expeditiously as possible in any case within 30 days the Respondent has failed and neglected to do so. That the Respondent neglected to give the response within the time frame prescribed by law. Since the Respondent failed to furnish the information the plaintiff preferred the present Complaint.

3. Notice was issued to the Opponent/Respondent returnable on

...2/-

15/10/2009. Opponent was present and no reply was filed. The matter was posted on 23/11/2009. On 23/11/2009, the Opponent was absent. Once chance was given and the matter was posted on 08/12/2009 but Opponent was absent and matter was posted on 5/1/2010. However, later on one Shri Dinesh Maralker on behalf of Opponent was present and he was informed of the next date. On 5/1/2010, one Shri Octaviano Dias, APIO/Corporation of City of Panaji (C.C.P.) was present but no reply was filed. Matter was posted on 14/1/2010, on which date Opponent was absent. Last chance was given and matter was posted on 22/1/2010. On 22/1/2010 again Shri Dinesh Maralker appeared on behalf of Opponent and prayed for some time and matter was posted on 8/2/2010. On 8/2/2010, Opponent was absent, last and final chance was given and matter was posted on 18/2/2010. On 18/2/2010 again Opponent was absent. No reply was filed. It is seen that various opportunities were given to the Opponent but the Opponent did not care to remain present nor filed any reply. The perusal of the proceeding sheet/roznama will show the attitude of the Opponent in respect of this matter. So much so that the Opponent did not care to put his/their say on record. In short there is no defence on record.

4. Heard Shri Yogesh Naik, the Complainant. I have perused the records of the case. It is seen that Respondent/Opponent did not care to remain present, nor he controverts the case of Complainant by filing reply. In view of the specific denial whatever stated by the Complainant is to be accepted in the facts and circumstances of the case. Complainant contends that no information is furnished to him. There is no reason to disbelieve the same.

5. It is to be noted here that the Right to Information Act, 2005 has been enacted to provide for a legal right to information for citizens to secure access to information under the control of Public Authorities, in order to promote transparency and accountability in the working of every Public Authority. No democratic Government can survive without accountability and the basic postulate of accountability is that people should have information about the functioning of the Government. Citizen should know the facts, the true facts. Section 3 of the RTI Act ensures that subject to the provisions of the Act all citizens have the right to information. R.T.I. Act ensures maximum disclosures and minimum exemptions consistent with the constitutional provisions prescribing at the same time confidentiality of sensitive information.

Section 6 of the RTI Act postulates that a person who desires to obtain any information under the Act shall make a request in writing or through electronic means to the authorities specifying the particulars of the information sought by him. Under section 7(1) Central Public Information Officer or State Public Information Officer as the case may be shall provide the information within 30 days of the receipt of the request on the payment of such fees as may be prescribed or reject the request on any of the grounds specified under section 8 and 9 of the Act.

It is pertinent to note that RTI Act, in general, is the time bound 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 First Appeal and disposal by First Appellate Authority.

6. Coming to the case at hand it is seen that application was

presented on 30/07/2009. The same was received on the same day as can be seen from the endorsement of C.C.P. regarding Entry, thirty days expired on 30/08/2009. But till date, according to Complainant, no information is furnished. This has not been denied by Opponent as the Opponent remained absent. There is gross delay. It is said that 'Delays have dangerous ends'. More so in RTI matters where it is a time bound programme.

7. In the instant case, it is seen that no reply is filed and on most of the occasion the concerned officer did not care to remain present at least in the interest of the Corporation. Even no information furnished to the Complainant during this period. Refusal of information tantamount to withholding the same. I have seen the application of Complainant. The information sought is about full names, addresses etc. and one question is regarding log-book. In any case there is much delay. On 10/3/2010, the matter was posted for Order. However, Shri Dinesh Maralker on behalf of Opponent states that information was sent by Registered A/D. However, no A/D card is produced. He also filed a certified copy of the log book register which is handed over to the Complainant today. The Complainant states that he did not receive any Registered letter nor copy of register. He also states part of information was given to him in the Commission only i.e. after filing the Complaint and part of information is given on 10/3/2010.

8. In view of all the above, it appears that information is given though belatedly. Therefore, no further intervention of this Commission, in so far as information is concerned, is required.

There is a delay and since there is a delay the Opponent is to be

heard on the same. Issue notice under section 20(1) of the RTI Act, 2005, to the Opponent/Public Information Officer why penal action should not be taken against him for causing delay for furnishing the information. The explanation, if any, should reach the Commission on or before 06/04/2010 at 10.30 a.m. Public Information Officer shall appear for personal hearing regarding imposition of penalty on that day.

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

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

