

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 45/SIC/2008

Smt. Surekha M. Naik,
356, Poreascodem,
Pernem-Goa

... Complainant.

V/s.

1) The Public Information Officer,
Gram Panchayat Khajana
Amere-Paraskode,
Pernem - Goa

... Opponent No. 1.

2) The Sarpanch,
Gram Panchayat Khajana,
Amere-Paraskode,
Pernem - Goa

... Opponent No. 2.

Dated: 11.03.2010

ORDER

The Complainant on 4th August, 2008 sought information under the Right to Information Act, 2005 (for short, the 'RTI Act') as mentioned at Sr. (a) to (k). The Opponent No. 2 by letter dated 28.01.2008 required the Complainant to provide Form No. I and XIV of the property surveyed under No. 17/10(A) of Bhomwada-Porascadem village. After obtaining the Form No. I and XIV the Complainant on 23.10.2008 submitted to the Opponent No. 1 and on 24.10.2008 the Complainant by another request sought information under the RTI Act regarding appointment of Public Information Officer. On 01.11.2008 the Opponent No. 1 again requested the Complainant for a copy of the survey plan in respect of information sought on 04.08.2008.

2. The Opponent No. 1 by communication dated 29.11.2009 provided the information mentioned at Sr. (a) to (k) of the letter dated 04.08.2008 of the Complainant. On the grounds of harassment as the Opponent No. 2 by a letter dated 21.08.2008 called upon the

...2/-

Complainant to provide Form No. I and XIV and the plan and again on 01.11.2008 by the Opponent No. 1 to provide the survey plan, the Complainant preferred this Complaint with a prayer to direct the Opponent No. 1 to furnish the information requested on 04.08.2008 and 24.08.2008 and penalize and recommend disciplinary proceedings against the Opponent No. 1.

3. It appears that, as the Opponent No. 1 was absent, the Opponent No. 2 dealt with the application of the Complainant dated 04.08.2008 and by letter dated 21.08.2008 directed the Complainant to provide Form No. I and XIV from the property surveyed under No. 17/10(A) of Bhomwada-Porascadem Village and the Survey Plan. The Complainant provided these documents required by letter dated 23.10.2008 and as what was provided was the survey plan only of survey No. 17/10 and not of 17/10(A), the Opponent No. 1 subsequently by letter dated 01.11.2008 directed the Complainant to provide the Survey Plan of 17/10(A). No doubt that the information sought by request dated 04.08.2008 was for the Opponent No. 1 as the Public Information Officer to decide the application and the Opponent No. 2 not being a Public Information Officer cannot deal with the matters of providing information under the RTI Act. The Complainant instead of providing the documents required by the Opponent No. 2 ought to have approached the First Appellate Authority or the Commission since the Opponent No. 2 not only was not aware of the provisions of RTI Act regarding the duties of Public Information Officer but also was not Public Information Officer to deal with information under RTI Act.

4. The Opponent No. 1 in the communication dated 29.11.2008 provided the information at Sr. (c), (h), (i) and part (j) and in regard to Sr. (a),(b),(d),(e),(f),(g) and (k), stated that it is not available with the Public Authority of the Opponent No. 1. It is not proper on the part of the Opponent No. 1 to give a vague reply and merely state that

information sought was not available in the office. If such eventuality takes place, the proper course on the part of the Opponent No. 1 was to transfer to the Public Authority having the information sought and to provide the Complainant the required information.

5. Accordingly, the Opponent No. 1 is directed to transfer the information at Sr. (a), (b),(d),(e), (f),(g) and(k) in the request dated 04.08.2008 to the concerned Public Information Officer having the information within the period of five days from the receipt of this order; inform the Complainant about such transfer and direct the Public Information Officer to whom the information was sought to provide the information at Sr. a), (b),(d),(e), (f),(g) and(k) of the letter dated 04.08.2008 directly to the Complainant.

With these observations the Complaint is disposed off.

Pronounced on this 11th day of March, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner