

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 103/2009

Shri Subhash B. S. Jetha,  
D-5, Junta House,  
Mapusa, Bardez – Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
At Additional Director (Vigilance) Department,  
Serra Building, Near All India Radio,  
Altinho, Panaji - Goa.
2. First Appellate Authority,  
At Directorate of Vigilance,  
Office of Secretariat (Vigilance),  
Secretariat, Porvorim – Goa.

..... Respondents.

Appellant in person.

Respondent No. 1 in person.

## **J U D G E M E N T** **(09-04-2010)**

1. The Appellant, Subhash B. S. Jetha, has preferred this Second Appeal praying that Respondent No. 1 and 2 be directed to furnish information sought by the Appellant vide his Application dated 8/4/2009 forthwith; that the disciplinary action be initiated against Respondents No. 1 and 2 under section 20 of RTI Act and that penalty be imposed for deliberately denying the information/documents.

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

That an application dated 8/4/2009 was addressed to the Respondent No. 1 seeking some information/certified documents/A.T.R. under Right to Information Act ('RTI' Act for short). That the Respondent No. 1 failed and neglected to furnish the said information without any reasons. Being not satisfied the Appellant preferred an Appeal before First

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Appellate Authority ('F.A.A.' for short). That after hearing the parties F.A.A. passed the Order dated 12/06/2009 directing the Respondent No. 1 to furnish the information as sought by the Appellant. It was also directed to send an interim reply. That the Respondent No. 1 sent a letter dated 17/6/2009 to the Appellant which was received on 19/6/2009 purported to be the information sought by the Appellant. It is the case of the Appellant that no information is furnished to the Appellant by Respondent No. 1 and that the same amounts to denial of information. That the information sought is deliberately being delayed every time with ulterior motive. That the Appellant personally pursued the matter with the Respondent No. 1 but all attempts to seek information went in vain. Being aggrieved by the Order of the F.A.A. the Appellant has preferred the present Appeal on various grounds as set out in the Memo of Appeal.

3. The Respondents resist the Appeal and the say of Respondent No. 1 is on record. In short it is the case of the Respondent No. 1 that they received the complaint dated 28/11/2008 regarding assault by Santosh Humrasker and that the same was sent to Director of Transport seeking action taken report. That Director of Transport vide their letter dated 4/8/2009 informed that the official has been transferred to Z.P. (North) hence the matter be taken up with them. That Report from Mapusa Police station was sought. That reminder was also sent to Director of Transport asking to submit action taken report. It is further the case of Respondent No. 1 that Directorate of Account informed that after scrutiny of the matter they have come to the conclusion that no action is required to be initiated against Shri Santosh Humrasker in the light of rules. The Respondent No. 1 also state about filing of chargesheet and subsequent discharge of the accused. In short according to them information is

furnished.

4. Heard the arguments. The Appellant argued in person. Shri Arun Dessai, Respondent No. 1 also argued in person.

According to the Appellant no information has been furnished. He took me through the records of the case.

During the course of his arguments, Respondent No. 1 submitted that whatever information asked has been furnished.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the information has been furnished or not?

It is seen that the applicant made an application dated 8/4/2009. It appears that information was not furnished and as such the Appellant preferred First Appeal on 25/5/2009. After conclusion of the hearing, the F.A.A. passed the Order on 12/6/2009 whereby Public Information Officer was directed that an interim reply will be sent to the Appellant immediately and subsequently a detailed reply shall also be sent to the Appellant after receipt of the reply from the Department. It is seen that by letter dated 17/6/2009, the Additional Director (Vigilance) & Public Information Officer the Appellant was told about action taken i.e. about forwarding the letter to the Director of Transport. It is the case of the Appellant that no information is furnished whereas according to the Respondent information has been furnished, initially interim reply has been given and then the information is furnished by various letters.

Respondent referred to the various letters on record. I have carefully gone through the said letters. No doubt that the information has been spread over various letters.

6. It is to be noted here that the object of the RTI Act is to ensure greater and more effective access to information under the control of public Authority. The citizens and information seekers have, subject to few exemptions an overriding right to be given information on matters in possession of the State and public agencies that are covered by the Act. Purpose of the RTI Act is per se to furnish information. The mandate of the Act is to provide information – information correct to the core.

Another important aspect is that RTI Act, in general, is time bound programme between the Administration and the citizens requesting information and every step will have to be completed within time schedule prescribed for presentation of request and disposal, presentation of the First Appeal and disposal by the Appellate Authority.

In the instant case, there is some delay at the initial stage. It is also true that information was with other authority. In any case the Appellant is more interested in information rather than any other things. However, Public Information Officer henceforth should take note of time schedule in dealing with RTI applications.

7. As observed above, information provided is not in proper form. It should have been in a proper form as RTI Act is a people friendly user friendly Act. Respondent No. 1 to see that the same be provided properly.

8. In the light of the above, I am of the opinion that no further intervention is required, however, the information is to be given properly. Hence, I pass the following Order: -

**ORDER**

The Public Information Officer/Respondent No. 1 to furnish the information sought by the Appellant vide his application dated 8/4/2009 in a proper manner within 15 days from the receipt of the Order.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 9<sup>th</sup> day of April, 2010.

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



