

GOA STATE INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 29/2006/ZP(S)

Sushant S. Naik
R/o H. No. 103, Costi Kalay,
Sanguem - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Chief Accounts Officer,
South Goa Zilla Panchayat,
Margao - Goa.
2. The Chief Executive Officer &
First Appellate Authority,
South Goa Zilla Panchayat,
Margao - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated : 26/10/2006.

Appellant in person.

Respondents are in person.

ORDER

A request was made on 16/03/2006 by the Appellant to furnish the information published by the Respondent under Section 4(1)(b) of the Right to Information Act, 2005. He has paid a fee of Rs.10/- and also requested information in CD format. As no information was supplied within the statutory period of 30 days, a first appeal was filed on 25/5/2006 before the Respondent No. 2. The information was subsequently supplied by the Respondent No. 1, who is the PIO, on 12/7/2006 free of cost.

2. On the day of arguments, the Appellant maintained that though the information was supplied in writing, he wanted the information on CD and also

...2/-

requested that the PIO should be penalized. He has also requested that the directions be issued to the Public Authority i.e. South Goa Zilla Panchayat to display the list of PIO and Appellate Authorities on the notice board of the Zilla Panchayat.

3. We have gone through the records and considered the arguments. It is true that the manuals mentioned under Section 4(1)(b) of the RTI Act, 2005 have to be published within 120 days of the coming into force of that Section. The period has expired on October 12, 2005. However, neither the Respondents herein nor a number of other Public Authorities in Goa have yet to comply with this mandatory provision. Now the question before us is what action is to be taken against the Respondents/Public Authorities for their failure to do so within statutory time limit and even after the application for request is filed under Section 6 (1). At the time of arguments, both the Respondents have no defence for the delay. They have only submitted that the information is already given and the Appellant was informed on 18/04/2006, much before the first appeal was filed to come and collect the information. No proof of this from the Zilla Panchayat has been filed. They have mentioned that the information is supplied by them by Registered post on 26/05/06 and they are willing to supply again also in CD format without collecting any fee. Hence, the matter may be closed. They have stated that there is no malicious intention in delaying the information. We have considered their plea and agree with their submission. They should give the requested information in the CD format within next 15 days. The Zilla Panchayat of Margao as Public Authority is directed to publish all the information at its premises on notice board immediately and submit the compliance on or before 15/11/2006. With this view, we are not inclined to take up penalty proceedings against the Respondents.

Pronounced in open Court, on 26th day of October, 2006.

(A. Venkataratnam)
State Chief Information Commissioner, GOA.

(G. G. Kambli)
State Information Commissioner, GOA.