

GOA STATE INFORMATION COMMISSION

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

Appeal No. 37/2006/PAN

John Philip Pereira
H. No. 520, Mazil vaddo,
Nagoa, Salcete - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Secretary,
V.P. Nagoa,
Salcete - Goa.
2. The Dy. Director of Panchayat,
Comunidade Bldg.,
Margao, Salcete - Goa.
3. First Appellate Authority,
Director of Panchayats,
Junta House, 3rd lift, 3rd floor,
Panaji - 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: 30/11/2006.

Appellant in person.

All the Respondents in person.

ORDER

The Appellant has made request by his letter dated 26/10/2005 to the Public Information Officer of Directorate of Panchayats at Panaji requesting for the file of construction of Antonio Carvalho for which the approval was given by the Respondent No. 1 in the year 2001. The request was forwarded by the Director of Panchayats to the B.D.O. who has issued a memo dated 9/11/2005 to the Respondent No. 1 to allow the inspection of the concerned file. The Respondent No. 1 fixed 5/12/2005 for inspection. It appears that the Appellant did not visit the office of the Respondent No. 1 on the date fixed. He had thereafter approached the Director of Panchayats once again who had called for

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all the files and Respondent No. 1 to his office. The Appellant inspected the papers in the office of the Respondent No. 3. After inspection, he actually wanted to obtain the copies of the certain papers from the Respondent No. 1 and accordingly made an application to him separately on 26/4/2006 followed by another letter dated 7/7/2006 asking for the documents. The Respondent No. 1 has finally given the documents on 15/7/2006. However, the Appellant says some more documents were not given to him as mentioned in the second appeal. He has made a second appeal on 12/10/2006 mainly asking Commission to initiate action against Respondent No. 1 and 2 under Section 20 (1) and (2) of the Right to Information Act. He has also expressed the wish to get the certified copies of the NOC of father and uncle's of Mr. Antonio Carvalho.

2. On the date of hearing, the Appellant and all the Respondents appeared in person. The Respondent No. 1 and Respondent No. 3 have submitted their replies. The Respondent No. 2 stated that she has no role to play, as she is neither the Public Information Officer nor the First Appellate Authority under the RTI Act. The Respondent No. 1 submitted the reply in the form of Affidavit.

3. The Commission would like to observe in the beginning that the procedure followed by the various authorities is not in accordance with the provisions of the RTI Act. When the request was made on 26/10/2005 under the RTI Act, the Director of Panchayats should have forwarded the same in original to the Respondent No. 1 who is the Public Information Officer. Instead of that he had involved the BDO and started correspondence in the administrative capacity. Similarly, though the PIO, who is the Respondent No. 1, has finally given the information, he had taken lot of time to do so and now has taken the plea that the Appellant could not be served with the notice by him with regard to the amount of fees, date of inspection etc. though the Appellant is a resident of the same village in which Respondent No. 1 has his office. Similarly, the Respondent No. 3 while claiming that the various appeals filed by the Appellant before him are not the applications under the RTI Act, however, says that he treated them as appeals and directed the Respondent No. 1 to bring all the files related to the information sought by the Appellant to the office of Directorate of Panchayats for inspection by the Appellant. This letter is issued by the Dy. Director of Panchayats (North) who is the PIO for Directorate of Panchayats, Panaji. It is clear, therefore, that there is lot of confusion in a mind of Director of

Panchayats as to the exact role of each of the PIO of his Department and his own role as the First Appellate Authority. If he has taken up the Appellant's appeal under the RTI Act, which he has claimed have done, there is no need for allowing the inspection of the documents before him in his office. This is the work to be done by the PIO in the office of V.P. at Nagoa. Further, there is neither any need to involve the Dy. Director of Panchayats at Margao or the BDO of Salcete in respect of this appeal. If the Dy. Director of Panchayats (North) issued a notice to the Respondent No. 1 to produce the records for inspection, he has done so on behalf of the Appellate Authority and not as the PIO of the Directorate of Panchayats (HQs). Therefore, Director should first of all be clear about the role of all functionaries under the Act and also explain to all his officers the various provisions of the Act and their duties thereunder.

4. Coming back to the second appeal, we find that all the information requested by the Appellant has been issued to him. Though there is some delay in giving information, all the Respondents have shown diligence and sufficient care to search for and furnish the information. Regarding the request of the Appellant for NOC given by the father and uncle of Mr. Antonio Carvalho, he should approach the Respondent No. 1 by separate application. We do not find this request in original request dated 26/10/2005 or another request dated 15/7/2006 asking for the copies of the documents. We are, therefore, not inclined to proceed under Section 20 against the Respondent No. 1 and 2 as prayed for by the Appellant. Consequently, the second appeal dated 12/10/2006 is dismissed.

Pronounced in open Court on 30th November, 2006.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kambli)
State Information Commissioner