

GOA INFORMATION COMMISSION

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

Appeal No. 06/2008/

Shri. Kashinath Shetye,
Bambino Building, Alto Fondvem,
Ribandar, Tiswadi – Goa.

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Appellant.

V/s.

1. Public Information Officer,
The Assistant Registrar of Co-op. Societies,
North Zone, Mapusa – Goa.
2. First Appellate Authority,
The Registrar of Co-op. Societies,
Panaji – Goa.

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Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 09/07/2008.

Appellant present in person.

Respondent No. 1 present in person. Respondent No. 2 absent.

ORDER

In this second appeal, the Appellant wants this Commission to set aside the order/letter dated 02/04/2008 of the first Appellate Authority, hereinafter referred to as the impugned order on the grounds mentioned therein. The Appellant approached the Public Information Officer on 10/3/2008 by his request for information on 5 points under the Right to Information Act, 2005 (RTI Act for short). The Public Information Officer, by his letter dated 17/03/2008, has informed the Appellant to call on him on 27/03/2008 at 11.00 a.m. and collect the information on first 3 points after paying necessary fees. He did not mention anything about the other two points. Thereafter, a first appeal was filed by the Appellant on 28/03/2008, among other grounds, that the Public Information Officer replied to the Appellant that the requested information was rejected and he was told to approach the Appellate Authority. According to the Appellant, the Public Information Officer requested him to deposit Rs.30/- orally, without ascertaining the correct amount as per the number of copies as a condition

...2/-

precedent for issuance of information and that this is bad in law. According to him, it amounts to hoodwinking the Appellant. The views of the first Appellate Authority are not on record. However, a letter dated 2nd April, 2008 was sent to the Appellant by the Asst. Registrar of Co-operative Societies (Headquarters), Panaji which was received by the Appellant, referring to his appeal asking for additional documents namely, the letter rejecting the information and also another copy of the memo of appeal to be given to the Public Information Officer. As this was not done, no hearing appears to have been held by the first Appellate Authority and no orders have been passed except the letter dated 02/04/2008 informing the Appellant to comply with the formalities of the registry. There is nothing on record to show that this was complied with by the Appellant.

2. Notices were issued. The Appellant argued for himself. The Public Information Officer has also submitted one written statement and relied on it. Respondent No. 2 is absent.

3. The short point is that the Appellant did not deposit the fees and therefore, the Public Information Officer could not issue the information. Similarly, the Appellant did not complete the registry formalities in the office of the first Appellate Authority and hence, the hearing was not held by the first Appellate Authority. The only grievance is that the amount payable by the Appellant for the documents was not informed exactly in advance by the Public Information Officer to the Appellant in writing. On the other hand, the Respondent No. 1 in his written statement stated that in anticipation of the payment of the fees by the Appellant, he has photocopied the documents and kept ready so that he can collect the amount and give the documents on same day. The amount was Rs.30/-. However, this was not informed to the Appellant in advance. The Public Information Officer should have started photocopying the documents only after the receipt of the amount. Instead he has wasted the Government money, as the documents are not collected by the Appellant. This should be avoided by the Public Information Officer in future. As soon as the request for information is received in his office, he should be able to calculate the further fees payable by the citizens and inform them in writing keeping a record of intimation. Only after the amount is paid by the citizens, further work should be taken up by the Public Information Officer. This would avoid the wastage of time of the officials as well as wastage of money to the Government.

4. As far as the present appeal is concerned, the Appellant has to deposit the amount and then only collect the information if he wants the same. We accept the contention of the Public Information Officer neither the information is given nor refused. The Public Information Officer on the other hand, has to specifically either reply or refuse the information on the remaining 2 points as well. If it is not available with him, he should send the same to the Public Information Officer of the office where it is available. The request for information is taken as not decided and the time spent by the Appellant for payment of money would be excluded from the calculation of the 30 days maximum time allowed for reply to the request for information under the RTI Act.

5. With the above discussion, the appeal is partly allowed.

Pronounced in the open court on this 9th day of July, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

Sd/-
(G. G. Kambli)
State Information Commissioner