

GOA INFORMATION COMMISSION

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

Appeal No. 20/2008/

Shri. Luis J. Monteiro,
H. No. 395, Almeida Vaddo,
Parra, Bardez – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Mamlatdar of Bardez Taluka,
Mapusa – Goa.
2. First Appellate Authority,
The Deputy Collector & SDO,
Mapusa – Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 25/06/2008.

Appellant present in person.

Both the Respondents absent.

ORDER

This disposes off the second appeal filed against the order of the first Appellate Authority dated 29/01/2008 (hereinafter called the impugned order). By the impugned order, the first Appellate Authority, Respondent No. 2 herein dismissed the first appeal before him stating that the information was already offered to be given by the Public Information Officer and that the Appellant should collect the same from the Public Information Officer, Respondent No. 1 herein.

2. Notices were issued and the Appellant was present in person. The Respondents were not present and the matter proceeded ex-parte. The contention of the Appellant is that he did not receive the reply from the Respondent No. 1 within 30 days from the date of his request dated 19/10/2007 under the Right to Information Act, 2005 (RTI Act for short). On the other hand, the contention of the Public Information Officer before the first Appellate

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Authority, copy of which is available on record, produced by the Appellant himself, is that a letter dated 16/11/2007 was sent by the Public Information Officer in addition requesting the Appellant to collect the information after payment of fees. The Appellant has admitted before us that he received this letter, only on 27/11/2007, after a gap of 11 days whereas normally, the Postal Department takes around 2 days to deliver the letters to him. It is his contention that the letter is back dated just to prove that it was dispatched within 30 days of filing the request. He has also produced a self attested copy of the outward register for the dates from 16/11/2007 to 23/11/2007 of the Mamlatdar's office of Bardez.

3. At the time of hearing, the Appellant flashed across the bench, copies of Form I & XIV of the land records of survey No. 298/1, 298/27 of the Calangute village for the years 2005-07. This is the subject matter for his request and he has already got the records with him. He, however, refused to disclose how received this information and who has given this. He has only submitted that the papers are not attested nor stamped by the Public Information Officer and that the columns under Form I & XIV, crop inspection records, are blank.

4. The Appellant has prayed by this appeal to take action under section 19(8)(a)(i); (5) and section 19(8)(b)(c). He did not mention in specific terms what is the relief he wanted. However, these sections deal with access to information, the enhancement of the training period for the officials, award of compensation to the Complainant/Appellant and finally to impose penalty on the Public Information Officer. We presume that the Appellant has saved his time by not being specific in his prayers.

5. It is clear that the Appellant did not wish to collect the information and he is more interested in getting the Public Information Officer punished. The provision regarding the punishment under the RTI Act is enacted only to ensure the compliance of the provisions of the RTI Act by the Public Information Officers. It is not intended to discipline the Public Information Officers or to take revenge by the citizens against the Government officials. A perusal of the records produced before us reveals that the Mamlatdar has taken diligent steps to comply with the provisions of the RTI Act and to give the information to the Appellant. The outward register produced by the Appellant does not help his case. It is true that the letter dated 16/11/2007 has been shown as dispatched after the letter dated 19/11/2007 but this is not an isolated entry but there are

many other letters which are not entered serially. This only indicates that the letters from the Mamlatdar's office are not dispatched on the same date of the issue. Whereas this is an administrative matter relating to the procedure of the Mamlatdar's office, it is not enough to start penalty proceedings against the Public Information Officer under the RTI Act. If the Appellant intends to get the signature and the authentication by the Public Information Officer on the documents already in his possession, he should approach the Public Information Officer and pay necessary fees only after which he will attest the signature and hand over them back to the Appellant.

6. With the above discussion, the appeal is dismissed.

Announced in the open court on this 25th day of June, 2008.

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

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