

GOA INFORMATION COMMISSION

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

Appeal No. 22/2007-08/VP

Shri Digamber B. Naik
Madkai, Adon Tonk,
P. O. Mardol - Goa.

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Appellant.

V/s.

1. Public Information Officer,
Shri Ulhas Shet,
The Secretary, V. P. of Madkai,
Madkai - Goa.
2. First Appellate Authority,
The Block Development Officer,
Directorate of Panchayats,
Ponda Taluka, Ponda - Goa.

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Respondents.

CORAM:

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

(Per G. G. Kambli)

Dated: 30/08/2007.

Appellant and Respondent No. 1 in person.

Respondent No. 2 absent.

ORDER

The present appeal is filed under Section 19(3) of the Right to Information Act, 2005 (for short the Act). The case of the Appellant is that the Appellant vide application dated 18/11/2006 sought information from the Respondent No. 1 under the Act. As the Appellant did not receive any information from the Respondent No. 1 within the specified period, the Appellant preferred the first appeal before the Director of Panchayats who transferred it to the Respondent No. 2. The Respondent No. 2 by order dated 24th May, 2007 partly allowed the appeal and directed the Respondent No. 1 to provide the information to the Appellant free of charge within seven days from the passing of the order. The prayer of the Appellant for imposing penalty was dismissed for want of jurisdiction.

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2. In compliance with the said order of the Respondent No. 2, the Respondent No. 1 provided the required information to the Appellant on 29/5/2007 i.e. after 193 days from the date of the receipt of the application. The Appellant, therefore, states that there has been a delay of 193 days and therefore, the total penalty at the rate of Rs.250/- per day comes to Rs.48,250/- and therefore, the maximum penalty of Rs.25,000/- be imposed on the Respondent No. 1.

3. The Respondent No. 1 filed the reply. The Respondent No. 2 remained absent. The Respondent No. 1 in his reply stated that Respondent was holding additional charge of the Village Panchayat of Wadi-Talaulim and the audit of both the Panchayats were also held during the said period. The Respondent No. 1 also submitted that he was also drafted for election duty. Being so, Respondent No. 1 could not provide the information within the specified time limit of 30 days. The Respondent No. 1 also stated that the Appellant did not pay the application fee of Rs.10/- and that he had orally informed the Appellant to collect the information on payment of the fees.

4. The Appellant filed his written submissions and submitted that the Respondent No. 1 is trying to mislead this Commission. So far as the payment of fees is concerned, the Appellant has submitted that the Appellant has provided to the Respondent No. 1 a copy of the Goa Right to Information (Regulation of Fee and Cost) Rules, 2006 and therefore, the Appellant refusing to pay the application fee does not arise.

5. We have gone through the appeal memo and the written submissions filed by the Respondent No. 1 and the Appellant. In this case, the application seeking information was made on 18/11/2006 and the information has been provided by the Respondent No. 1 on 29/5/2007 which is after 192 days. This inordinate delay has to be explained by the Respondent No. 1. Mere making the statement that the Respondent No. 1 was holding the additional charge of the Village Panchayat Wadi-Talaulim or that he had to attend the audit of both the Panchayats and also election duty are not sufficient. The Respondent No. 1 should have specified the period during which he has held the additional charge of Village Panchayat Wadi-Talalulim, he has also not specified the period of

audit and also not indicated the period during which he was deployed for election duty. The Respondent No. 1 is required to explain each day delay. Therefore, we are not at all satisfied with the explanation given by the Respondent No. 1 to completely exonerate him from imposition of the penalty.

6. As stated above, there has been inordinate, unexplained delay on the part of the Respondent No. 1 in providing the information to the Appellant. The Respondent No. 1 in his reply has stated that this was the first application he received under the Act and therefore, the Commission takes the lenient view and impose the penalty of Rs.1000/- only under Section 20 of the Act. The Commission also warns the Respondent No. 1 to be careful in future and to ensure that information sought by the citizen is provided within the time limit laid down in the Act.

7. In view of the above, we partly allow the appeal and impose the penalty of Rs.1000/- on Respondent No. 1 for causing inordinate and unexplained delay. The Block Development Officer, Ponda is authorized to deduct from the salary of the Respondent No. 1, an amount of Rs.1000/- for the month of October, 2007 and credit it in the appropriate receipt head and submit the compliance report by 31st October, 2007.

Announced in the open court on this 30th day of August, 2007.

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

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

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