

GOA INFORMATION COMMISSION

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

Appeal / 25 / SIC / 2008 /

Shri Subodh S. Sawant,
B-2, Shanti Campus, Nr. Mehul Talkies,
Nr Mahesh Tutorials, Mulund,
West, Mumbai - 400 080

..... Appellant

V/s

1. The Public Information Officer,
Shri Pramod D. Bhat,
The Mamlatdar of Bicholim Taluka,
Bicholim - Goa.

..... Respondent No.1..

2. The First Appellate Authority,
Shri Arvind V. Budge,
The Deputy Collector & S.D.O.,
Bicholim Sub-Division,
Bicholim - Goa.

..... Respondent No.2..

CORAM:

Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 06/08/2008.

Appellant in person.

Both the respondents in person.

O R D E R

A request dated 04/02/2008 bearing reference No. 4 was made by the Appellant to the Respondent No. 1 under the Right to Information Act 2005 (for short the Act) to provide him the information regarding the total number of Mahajans duly approved, permitted and allowed to be made as Mahajans of Shree Saptakoteshwar Devasthan situated at Narva for the period from 1st April 2004 to 1st February 2007. The Respondent No. 1 in turn forwarded the said application of the Appellant to the Administrator of Devasthan Bicholim under section 6 (3) of the Act stating that the information sought by the Appellant is more closely connected with the functions of the another Public Authority. The Appellant, thereafter, did not receive any reply either from the Respondent No. 1 or from the Administrator of Devasthan of Bicholim Taluka and therefore preferred an Appeal before the Respondent No. 2 on 2nd April, 2008. The Respondent No.2 did not dispose off the first Appeal within the time limit laid down in

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sub-section (6) of section 19 of the Act. Therefore, the Appellant has filed the present 2nd Appeal before this Commission under section 19 (3) of the Act.

2. The notices were issued to the parties. The Appellant as well as the Respondents appeared in person. During the hearing, the Respondent No. 1 was asked to clarify as to whether the Administrator of Devasthan has been appointed as a Public Information Officer. The Respondent No. 1 replied in the negative. The Mamlatdar of the Taluka discharges various functions under different laws and in different capacities. However, there is no separate order issued by the Government appointing different Public Information Officer in respect of each functions assigned to the Mamlatdar. The Devasthan section functions in the office of the Mamlatdar and it is a part of the office of the Mamlatdar and not separate independent office. Therefore he is responsible for providing the information to the citizens in respect of this section. The procedure adopted by the Respondent No. 1 to transfer the application to self is not proper. The Respondent No. 1 being the Public Information Officer of the entire office of the Mamlatdar including the Devasthan sections ought to have provided the information to the Appellant.

3. The Respondent No. 1 agreed to give suitable reply to the Appellant and therefore, the Respondent No. 1 was directed to give a suitable reply to the Appellant within a week's time and file the Compliance report before this Commission on 30/07/2008.

4. Accordingly, the Respondent No. 1 filed the compliance report enclosing therewith a copy of the reply sent to the Appellant. On perusing the reply dated 25/07/2008 of the Respondent No. 1 it is seen that this is the copy of the reply sent to the Appellant in Appeal No. 24/SIC/08. The Appellant had sought total number of Mahajans duly approved and allowed to be made as Mahajans for the period from 1st April 2004 to 1st February 2007. Therefore, the Respondent No. 1 has not provided the correct information to the Appellant as per his request. The informations sent by

the Respondent No. 1 is misleading and not as per the request of the Appellant. Hence, the Respondent is directed to provide the correct and complete information to the Appellant as per the request dated 04/02/2008 bearing reference No.4 within 2 weeks from the date of this order and file the compliance report to this Commission. The Respondent No. 1 is also directed to show cause as to why the penalty of Rs. 250/- per day delay should not be imposed on him for providing misleading information to the Appellant till the date of providing complete and correct information. The Compliance report along with the reply to the show cause notice shall be filed on 22/08/2008 at 11.00 a.m.

Pronounced in the open court on this 6th day of August, 2008.

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