

GOA INFORMATION COMMISSION

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

Appeal No. 42/2007-08/Mam

Smt. Lausa Pereira e Dias
H. No. 297, Sinquetim,
Navelim, Salcete - Goa.

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Appellant.

V/s.

1. Public Information Officer,
The Mamlatdar,
Office of the Mamlatdar of Salcete Taluka,
Margao - Goa.
2. First Appellate Authority,
The Dy. Collector,
South Goa Division,
Office of the Collectorate,
Margao, Salcete - 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: 23/10/2007.

ORDER

The Commission by its order dated 30/08/2007 had directed the Respondent No. 2 to remain present alongwith certified copy of the guidelines issued by the Government that the Government offices are not bound to keep the records of the court cases for 39 years or more because the Respondent No. 2 while passing an order had come to the conclusion that the Government are not bound to keep the records for so many years.

2. The Respondent No. 2 filed reply stating that the Respondent No. 2 passed an order in quasi-judicial capacity and he was a formal party and not interested party and therefore, no reply was filed at the initial stage. He has also submitted that the guidelines issued by the Government regarding weeding out of records pertains to the administrative matter and not court matter.

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3. In terms of clause (iv) of Rule 5 of the Goa State Information Commission (Appeal Procedure) Rules, 2006, the Commission may hear, among others, senior officer who had decided the first appeal. Therefore, the first Appellate Authority cannot remain silent when the notice is issued and in particular when the order of first Appellate Authority is challenged before the Commission.

4. The Respondent No. 2 has submitted that the guidelines issued by the Government pertains only to the administrative matter which means that the records pertaining to the court cases are to be preserved permanently. Being so, we have no hesitation to quash and set aside the order dated 29/6/2007 passed by the Respondent No. 2. Accordingly, the impugned order dated 29/6/2007 passed by the Respondent No. 2 is hereby quashed and set aside. We direct the Respondent No. 1 to carry out the search of the entire records of the office and then provide the information to the Appellant within a period of one month. The Respondent No. 1 shall appoint a special team of his office to carry out the search of the record for this purpose. Both the Respondents are also directed to comply with the provisions of section 4(a) of the Right to Information Act, 2005 (for short the RTI Act) in a phased manner if it is not done so far. A copy of this order may also be sent to the Collector of South Goa to ensure the compliance of the provisions of the section 4(1)(a) of the RTI Act by the offices falling under his jurisdiction.

Announced in the open court on this 23rd day of October, 2007.

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

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

/sf.