

GOA INFORMATION COMMISSION

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

Appeal No. 57/SCIC/2008

Mr. Leslie S. D'Souza,
H. No. E/158, Next to the Court Altinho,
Mapusa – Goa.

..... Appellant/Complainant.

V/s.

1. Public Information Officer,
The Chief Officer,
Mapusa Municipal Council,
Mapusa, Bardez – Goa.
2. First Appellate Authority,
The Director of Municipal Administration,
Collectorate Bldg., Panaji - Goa.

..... Respondents/Opponents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 29/08/2008.

Appellant absent.

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

ORDER

This disposes off the second appeal by the Appellant filed on 18/07/2008. He succeeded in his first appeal and hence, has no grievance against the first Appellate Authority. The Appellant has filed the first appeal addressed at Mapusa Municipality on 8/4/2008. In response to this first appeal, the Respondent No.1 has replied giving further clarification by his letter dated 4/07/2008. It is not known as to what happened to his first appeal dated 8/4/2008. However, another first appeal was filed on 26/05/2008 (Exh. 6) in response to which a notice for hearing appears to have been issued by the Director of Urban Development. The first Appellate Authority, Respondent No. 2 herein has given direction by his order dated 7/7/2008 to the Public Information Officer to provide specific information sought by the Appellant within a period of 10 days. It is not known whether the additional reply dated 04/07/2008 of Respondent No. 1 was brought to the notice of first Appellate Authority. It is the contention of the Appellant in this present second appeal he was supplied unnecessary information by charging huge amount of Rs.2707/-. The specific prayers are to refund the amount of Rs.2707/- with interest and

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to take necessary action against the Public Information Officer for the harassment meted out to him and finally to impose penalty on the Public Information Officer. He did not specifically request for compliance of the first Appellate Authority's order.

2. As there is no grievance against the first Appellate Authority, no second appeal lies. However, at my discretion, I admit this as a complaint.

3. Notices were issued. The Complainant and the Public Information Officer represented in person. The first Appellate Authority was absent. A written statement was also filed by the Opponent No. 1 wherein he explained the break-up of amount of Rs.2707/- charged by him and that all the information to the questions posed by the Appellant were given. However, he admitted having given wrong information to Question 2, which he has corrected subsequently. As to the grievance of the Complainant regarding the huge amount, the Public Information Officer submitted not only the break-up, he has also justified it because the copies of the plans cannot be computed @ Rs.2/- per plan. The actual costs of the plans are much higher and hence the amount appears to be more. He has also stated that the Appellant has not protested at the time of receiving the documents even though he was given an option by the office of the Public Information Officer to the Complainant either to take the plans after paying fees or withdraw the request for the plan if he finds that the amount is huge. As to the grievance that all the documents are not attested, the Public Information Officer submitted that as he was busy with some other work, he could not attest them and that he will do so whenever the Appellant approaches. In fact, he has prepared another set of letters which were attested and has kept ready to hand over to the Appellant. The copy of this reply alongwith the attested copies of the information were brought to this court at the time of hearing but could not be served on the Complainant as he remained absent at the time of final arguments.

4. I find that the Public Information Officer has charged the actual amount for preparing the copies of the documents and that this is permissible under the rules. It was open to the Appellant not to take these copies. Therefore, this grievance of the Appellant is rejected. As to the

attestation of the documents, the Appellant is directed to approach the Municipal Council for doing the needful. The Respondent No. 1, the Public Information Officer is also warned to be more careful in future while giving information under the Right to Information Act. All documents should be always attested by him. As to the grievance of the Appellant that the House No.158A issued in favour of Mrs. Menino D'Souza, Public Information Officer has given all the documents and also mentioned the reason for allotting the new house number i.e. on the legal advice given to the Council. The copy of the legal advice was also furnished to the Appellant. I, therefore, find that there is no merit in the complaint and reject the same. Consequently, the other prayers regarding the punishment to the Public Information Officer do not arise for a decision.

Pronounced in the open court, on this 29th day of August, 2008.

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