

## **GOA INFORMATION COMMISSION**

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

Appeal No. 71/2007-08/Elect.

Shri. Rabindra A. L. Dias,  
Dr. Pires Colony, Block "B",  
Cujira, Santa Cruz - Goa.

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Appellant.

V/s.

1. Public Information Officer,  
The Superintending Engineer,  
Circle - I (South), Vidyut Bhavan,  
Aquem, Margao - Goa
2. First Appellate Authority,  
The Chief Electrical Engineer,  
Electricity Department,  
Panaji - Goa.

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Respondents.

### **CORAM:**

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

(Per A. Venkataratnam)

Dated: 27/12/2007.

Appellant in person.

Adv. K. L. Bhagat for both the Respondents.

### **ORDER**

A request was filed by the Appellant posing 10 questions in respect of an electrical connections which was released by the Electricity Department to house situated in survey No. 19/4 at Tolloi, Vanelim under the Low Income Group (LIG) category. Though the application was addressed to the Public Information Officer, it was replied by an Asst. Accounts Officer who attested on behalf of Executive Engineer, Electricity Div - IV, Margao who was also not the Public Information Officer. Be that as it may, the Appellant, finding that the information given is incomplete, filed his first appeal before the Respondent No. 2. During the course of hearing, additional information was given by the Public Information Officer, this time under his signature. When it was handed over before the first Appellate Authority it was received by the Appellant with a remark "it is astonishing to know that the full information was purportedly not given earlier". This was recorded by the first Appellate Authority in his

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roznama and closed the matter without passing any further order nor sending a copy of the roznama to the Appellant. meanwhile, the Appellant having received no order, filed the present second appeal. Notices were issued and both the Respondents have filed their replies through their Adv. K. L. Bhagat.

2. The contention that the Public Information Officer need not necessarily sign the reply to the request for information cannot be accepted by us simply because, the section 7 of the RTI Act casts a personal obligation on the Public Information Officer to give the reply. It is true that all the records are not maintained by the Public Information Officer himself. For this purpose section 5(5) of the RTI Act enjoins any officer whose assistance has been sought by the Public Information Officer to be treated as the Public Information Officer for contravention of any of the provisions of the RTI Act. Though the Public Information Officer can obtain the information from any officer of the Department, it is under his authority, the information should be given to the citizens. It is true that being a busy officer, the Public Information Officer may not personally sign the letter but the reply should indicate that it has been approved by the Public Information Officer and is being signed by some other officer on behalf of the Public Information Officer. In the present case, however, the original reply dated 21/06/2007 given to the Appellant is neither signed by the Public Information Officer nor by the Asst. Public Information Officer but was attested for issue by an Asst. Accounts Officer. Simply because it is signed by the Gazetted Officer of the Department, it cannot be held that the liability cast on the Public Information Officer under section 7 stands discharged if somebody else signs without mentioning the he is doing so on behalf of the Public Information Officer. Similarly, we also expect that the first Appellate Authority to pass a reasoned order (even in the roznama) why he has taken a particular decision and ensure that it is sent to the Appellant free of cost. The argument that the Appellant has not applied for a copy of the roznama cannot, therefore, be accepted.

3. The contention of the Appellant is that out of 10 questions, he has received answer only for 7 questions and the 3 questions are not answered, as the case papers are not traceable or available. In fact, the information regarding this case is not available at all except for the date of the connection and date of cancellation of the electric supply to Shri. Menino J. Rodrigues. The Respondent No. 1 took up the plea that the information is "not incomplete" because all

available information with the Department was furnished. The Respondent No. 2 says that he has closed the case as the Appellant was satisfied with the reply given by the Public Information Officer in his presence.

4. We are afraid both these stands cannot be accepted by us. If only the available information is to be given and the records are not traceable for giving other information, this establishes a dangerous trend of misplacing/losing the records to avoid furnishing inconvenient information. Even in this case, it is on record that the person to whom the connection was released under the low income group category (Menino J. Rodrigues) is not the owner of the property, "DONGOR XENDO" at Vanelim village, Colva. When the Appellant has asked for the No Objection Certificate from the owner and the Village Panchayat and the income certificate given by the authorities, the Public Information Officer replied that no information is available as the records are not traceable. Not only this is incomplete information but also raises the issue of lack of accountability of the Department in the matter of the maintenance of records. This is exactly the reason why it was enacted under section 4(1)(a) of the Right to Information Act, 2005 (for short the RTI Act) that all the records of the public authority should be duly catalogued and indexed in a manner and form which facilitates easy access under the RTI Act and also that all the records are computerized within a reasonable time. Though a time limit has not been fixed by the RTI Act, the public authorities should take earnest steps to move in that direction so that the records are easily accessible and could be retrieved fast with the help of the computers. We need not mention here that not only transparency but also the accountability is the aim of this RTI Act. We are, therefore, giving a direction to the public authority, Electricity Department of Goa, that proper rules be framed within two months from the date of this order prescribing the time for destruction of the records of the Electricity Department and the manner in which they have to be stored. With this direction, we dispose off the appeal.

Pronounced in the open court on this 27<sup>th</sup> day of December, 2007.

Sd/-

(A. Venkataratnam)

State Chief Information Commissioner, GOA.

Sd/-

(G. G. Kampli)

State Information Commissioner, GOA.

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