

GOA STATE INFORMATION COMMISSION

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

Appeal No. 77/2006/DM

Shri Sushant S. Naik
H. No. 103, Costi Kalay,
Sanguem - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Sr. Geologist, Directorate of Mines,
Udyog Bhavan, Panaji - Goa.
2. The Asst. Public Information Officer,
Sr. Technical Assistant, Directorate of Mines,
Udyog Bhavan, Panaji - Goa.
3. First Appellate Authority,
The Director, Directorate of Mines,
Udyog Bhavan, Panaji - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 30/03/2007.

Appellant absent.

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

ORDER

The Appellant has requested on 5/9/2006 the Public Information Officer to give him certain information in respect of 4 minor leases. By his reply dated 5/10/2006 the Asst. Public Information Officer has written to the Appellant forwarding information on all points except 3 points. He said that the information in respect of 2 documents is not maintained by his office and in respect of one is not available. Against this incomplete information he has appealed to the Respondent No. 3 on 27/11/2006. The first Appellate Authority by his order dated 29/12/2006 dismissed the appeal. However, he has also directed the Public Information Officer to give him the certified documents on payment. Thereafter, the Public Information Officer intimated the Appellant by his letter dated 2/1/2007 to collect the documents after paying Rs.68/- as fees.

...2/-

Against this letter he has come in second appeal on 22/01/2007 with the following prayers : (i) “strongly seek that penalty to be imposed on Public Information Officer and the first Appellate Authority”; (ii) the information be given free of cost to him; (iii) sign boards may be erected in the office of the Public Information Officer outside the office with name and designation. Notices were issued and the Appellant was absent on date of hearing. However, Public Information Officer and first Appellate Authority have filed their written statements on 15/3/2007 to the effect that the documents are ready and the Appellant has to collect them after making payment.

2. Though the Appellate order states that the appeal is dismissed, he has directed the Public Information Officer to furnish the information on payment of charges. Hence, we do not find anything wrong with the Appellate order dated 29/12/2006. Similarly, the Public Information Officer is also ready to give the information. It only appears that the Appellant is determined to see that the Public Information Officer and the first Appellate Authority are punished. Obviously, punishing the Public Information Officer is not the objective of the Right to Information Act. It is only a measure to see that the Public Information Officers furnish information requested. We are, therefore, not inclined to grant the prayers of the Appellant. Besides the first Appellate Authority cannot be penalised by this Commission. The information cannot be furnished free of charge even if it is delayed. Only the information to be provided by the PIO under Section 7(5) is exempt from the fee if it is not given within the time prescribed under Section 7(1) of the RTI Act. This has been decided by us in a number of cases. The PIO submitted that sign boards are already placed in his office. Hence, nothing survives in this appeal. Consequently, the second appeal is dismissed. Parties to be informed by post.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kambli)
State Information Commissioner