

GOA STATE INFORMATION COMMISSION

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

Appeal No. 99/2006/

Shri Amar B. Naik
H. No. 128, Costi Kalay,
Sanguem - Goa.

..... Appellant.

V/s.

1. Public Information Officer
Additional Collector - I (South),
South Collectorate Bldg.,
Margao - Goa.
2. First Appellate Authority
The Collector & District Magistrate,
Collectorate Bldg., South - Goa,
Margao - Goa.

..... Respondents.

CORAM:

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

(Per G. G. Kambli)

Dated: 18/04/2007.

ORDER

This will dispose off the 2nd appeal filed by the Appellant on 5/3/2007 against the order dated 1/12/2006 passed by the Respondent No. 2 in appeal No.1/RTI/COS/2006. The facts leading to this 2nd appeal are that the Appellant by his application dated 24/8/2006 sought a copy of the 17 points manuals prepared under section 4(1)(b) containing the following particulars under the Right to Information Act, 2005 :-

- 1) Particulars of organization functions and duties.
- 2) Powers and duties of Officers and employees.
- 3) Procedure, homes set for discharge of its functions.
- 4) Rules and such other information published every year.

2. The Appellant requested this information in the CD formats. The Respondent No. 1 vide letter dtd. 18/09/2006 informed the Appellant that the manual has to be prepared by the Government and hence his request was not considered. Aggrieved by this intimation of the Respondent No. 1, the Appellant

...2/-

preferred the first appeal before the Respondent No. 2. The Respondent No. 2 dismissed the first appeal by order dt. 1/12/2006 stating that the information has already been furnished to the Appellant by the Respondent No. 1 vide letter dt. 18/9/2006.

3. Feeling aggrieved by this order dt. 1/12/2006 of the Respondent No. 2, the Appellant has filed this 2nd appeal before this Commission. The Respondent No. 1 vide reply dt. 18/9/2006 informed the Appellant that the manual has to be prepared by the Government and the Appellant's request for furnishing a copy thereof was not considered. We fail to understand as to how the first Appellate Authority has come to the conclusion that the Respondent No. 1 has provided the information to the Appellant under the Act within the time limit when the Respondent No. 1 has not considered the request of Appellant. Being so, on the face of it, the order is contrary to the evidence on record.

4. In terms of Section 4(1)(b) of the Act every Public Authority shall publish within 120 days from the enactment of the Act the information pertaining to 17 points as mentioned therein. Section 4(1) of the Act has come into force at once that is on 21/6/2005. Therefore, every Public Authority were required to publish the information on or before 19-10-2005. The provisions of section 4(1)(b) of the Act are mandatory in nature and therefore every Public Authority is bound to publish information in accordance with the said provisions.

5. The Respondent No. 1 has informed the Appellant that the Government, has to prepare manuals which is totally wrong, and contrary to the provisions of section 4(1) of the Act. The first Appellate Authority has also erred in coming to the conclusion that the information sought by the Appellant was provided within the statutory period.

6. The Respondent No. 2 filed the reply stating that the Respondent No. 1 has now informed the Appellant vide letter dt. 3/4/2007 informing that the manual is ready and that the Appellant can collect the same during office hours on payment of necessary fees. If the manual was to be prepared by the Government as stated by the Respondent No. 1 in his reply dt, 18/9/2006 , it is not understood as to how subsequently, the manual is prepared. It is the statutory obligation on the part of the Respondent No. 2 to publish the information as required by section 4(1)(b) of the Act on or before 19/10/05.

Admittedly as on 18/9/2006 there was no manual as it is evident from the letter of the Respondent No. 1. Since, the Respondents have failed to publish the manual within the statutory period and failed to provide the copy of the same to the Appellant, the Appellant has been put to harassment. We are satisfied that this is a fit case for awarding compensation to the Appellant. In these circumstances we pass the following order.

ORDER

The Appeal is allowed and the letter dated 18-09-06 of the Respondent No. 1 and the order dated 1/12/2006 of the Respondent No. 2 are hereby quashed and set aside. The Respondent NO. 1 is directed to provide the information sought by the Appellant free of cost in terms of section 7(5) and (6) of the Act within a week from the date of the receipt of this order. We direct the Respondent No. 2 to compensate the Appellant to the extend of Rs.1000/- within a month from the date of the receipt of this order.

Parties to be informed.

(Shri G. G. Kambli)
State Information Commissioner

(Shri A. Venkataratnam)
State Chief Information Commissioner