

GOA STATE INFORMATION COMMISSION

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

Complaint No. 04/2007-08/MAM

Mrs. Nirmala Sawant
Tivrem Marcela,
Goa – 403 107.

..... Complainant.

V/s.

Public Information Officer,
The Mamlatdar,
Office of the Mamlatdar,
Tiswadi Taluka,
Panaji - Goa.

..... Opponent.

CORAM :

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

(Per G. G. Kambli)

Dated: 04/05/2007.

Complainant in person.

Authorized representative, Shri Govindprasad Prabhudessai, Talathi of Panaji is present on behalf of the Opponent.

ORDER

This will dispose off the complaint dated 20/4/2007 filed by the Complainant against the Opponent. The case of the Complainant is that the Complainant vide her application dated 5/4/2007 requested the Opponent to provide the copy of the report of the BLO's with the list of names of the voters submitted by them for the inclusion and the deletion of names from 14 – Cumbharjua Constituency. However, the Opponent vide notice dated 12th April, 2007 directed the Complainant to appear before him on 23/4/2007 for hearing in the matter failing which the application will be determined in her absence. The grievance of the Complainant is that the Right to Information Act, 2005 (for short the Act) does not provide for holding of hearing by the Public Information Officer for deciding the application filed under the Act.

2. Upon issuing the notice to the Opponent, the Opponent filed the reply stating that the Complainant was called for hearing as her application was

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vague and did not clarify from which period or of which part of Cumbharjua Constituency the information was sought. The Opponent also submitted that the Complainant attended the hearing and collected the information on 26/4/2007.

3. The short question arises for our determination is whether the personal hearing is required to be given by the Public Information Officer before taking the decision on an application under Section 6(1) of the RTI Act seeking information. The procedure for disposal of the application filed under Section 6 of the Act is laid down in Section 7 of the Act. We do not find any provision in Section 7 of the Act whereby the Public Information Officer has to hear the applicant. If the application of the Complainant was vague as contented by the Opponent, the Opponent could have sought the clarification in writing or rejected the request of the Complainant. There is no provision in Section 7 of the Act for calling the applicant for personal hearing. Therefore, the Opponent was wrong in calling the Complainant for personal hearing. Since the information sought by the Complainant has already been provided to the Complainant, nothing survives in this complaint. Accordingly, the complaint stands dispose off. Inform both the parties.

(G. G. Kamblı)
State Information Commissioner

(A. Venkataratnam)
State Chief Information Commissioner