

GOA STATE INFORMATION COMMISSION

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

Complaint No. 12/2006/Co-op.

Nakul Naik

C/o Variety Stores,
Panaji - Goa.

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Complainant.

V/s.

Shri P. R. Shetye, ARCS (Hqrs.)

Public Information Officer,
Office of Registrar of Co-operative Societies,
Mala, Panaji - Goa.

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Opponent.

CORAM :

Shri A. Venkataratnam

State Chief Information Commissioner

&

Shri G. G. Kambli

State Information Commissioner

(Per A. Venkataratnam)

Dated: 09/11/2006.

Adv. A. G. Damle for the Complainant.

Adv. Irshad Agha for the Opponent.

ORDER

This disposes off the show cause notice dated 19/10/2006 issued in the matter of imposition of penalty on the Asst. Registrar (HQ) who is the Public Information Officer of Registrar Co-operative Societies, Panaji. The facts are already brought out in the Commission's order dated 19/10/2006. The opponent has shown cause by his reply dated 3/11/2006. The matter was also argued by learned Adv. Irshad Agha.

2. The original complaint of Shri Nakul Naik is that the information requested by him by his application dated 25/4/2006 was not properly replied by the PIO through his letter dated 24/05/2006. According to the Complainant, replies are misleading and not correct. He has, therefore, made a complaint to this Commission on 20/07/2006. In his reply to show cause notice, the opponent now has stated that information was furnished bonafidely and said that he will give the Complainant any of copies any documents if requested. He also

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separately furnished a proper reply to the Complainant on 3/11/2006. The Commission has gone into details of the information requested and information furnished on 25/05/2006 and now on 3/11/2006 and had come to the conclusion that the information supplied earlier is not correct information. The reply now furnished by the opponent to the same questions confirms this view. However, we will go through once again pointwise how the information given is misleading.

3. The first question is about the disciplinary action initiated against the Administrator for illegal acts committed by him. Rightly analyzed by the opponent in the reply furnished now, the question has 2 parts: (i) Whether any illegal acts are done by the Administrator beyond the rights: (ii) Whether any disciplinary action was initiated against him. Obviously, if in the opinion of the opponent no illegalities are committed by the Administrator, he should have stated so and the answer would have been complete as is now stated on 3/11/2006. The question of asking for clarification from the Complainant does not arise. The Right to Information Act does not contemplate any such correspondence. The information when sought by Complainant under Section 6(1) of the Act has to be given if available or rejected for valid reasons. It does not envisage seeking a clarification by the PIO. Even so in this case, there is a further letter by the Complainant on record, namely, his letter dated 8/6/2006, in response to the letter dated 24/05/2006 of the opponent, clarified on 3 points for the question no. 1. Atleast after receiving this clarification, the PIO should have given the correct information. If he could have given the information now after the direction by the Commission, he could have done so even on 24/05/2006. Thus, the reply dated 24/05/2006 for this question was incomplete and misleading.

4. The second question posed by the Complainant is regarding the action taken by the Department against the Administrator of the Janata Consumer Co-operative Society for changing the election programme. In the reply, the opponent stated on 24/05/2006 that the matter is sub-judice. On directions by this Commission to furnish the correct reply by its order dated 19/10/2006, the opponent has now furnished the information to the Complainant on 03/11/2006 that the then Administrator Shri Tuenkar had not done any wrong act and therefore, there did not arise any need to restrain the Administrator from changing the election programme. The opponent has now given a elaborate

justification and enclosed a number of documents. We have already held that we will not go into the merits of the election disputes. In fact, there is no need for the opponent to give this justification and documents to the Complainant unless specifically he asked for them. However, the reply given on 3/11/2006 could as well have been stated by the opponent on 24/05/2006. The question is about the action to be taken by the Department. It is not sub-judice before the Registrar's nominee. So the reply by the opponent dated 24/05/2006 is, therefore, wrong information. As the correct information is known to the opponent, it follows that it was wrongfully denied to the Complainant earlier.

5. Similarly, the question No. 3 is about what action has been taken against the Administrator and ARCS for not submitting their reply to a letter by the Department. The opponent has submitted on 24/05/2006 that this matter is also sub-judice. We have already mentioned what is sub-judice before the Registrar's nominee. This matter is definitely not sub-judice. Thus, the reply given earlier is wrong and is given to suppress the correct information. The Complainant could have been provided the information, now given on 3/11/2006, at the initial stage itself.

6. The information sought by the Complainant for question 4 regarding the status of the FIR filed before the Police is acceptable, though the efforts by the Department to pursue with the Police could have been taken up earlier.

7. As we have seen from the discussion, the replies by the opponent to the questions 1, 2 and 3 are incorrect and he has not submitted the correct information on 24/05/2006. Therefore, the consequences under Section 20 have to follow. We are of the considered opinion that the opponent has denied the complete and true information to Complainant and hence we levy the penalty of Rs.2500/- on the opponent namely Shri P. R. Shetye, Asst. Registrar of Co-operative Societies (HQ), office in the Registrar of Co-operative Society, Panaji. A copy of the order be forwarded to in Directorate of Accounts, Panaji for recovering in one instalment from the salary of November, 2006.

(A. Venkataratnam)
State Chief Information Commissioner,
GOA.

(G. G. Kambli)
State Information Commissioner, GOA.

