

GOA STATE INFORMATION COMMISSION

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

Complaint No. 27/2006/BMC

Shri Santosh Y. Dicholkar
H. No. 89, Gaonkarwada,
Bicholim - Goa.

..... Complainant.

V/s.

Public Information Officer,
Chief Officer,
Bicholim Municipal Council,
Bicholim - Goa.

..... Opponent.

CORAM :

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

(Per A. Venkataratnam)

Dated : 19/10/2006.

Complainant in person.

Adv. G. N. Agni for the opponent.

ORDER

A request for information was made by the Complainant under Section 6 (1) of the Right to Information Act, 2005 (22 of 2005) (hereinafter referred to as the RTI Act) on 11/07/2006 posing 2 questions in the case of a construction in the Bicholim Municipal Council. The Public Information Officer who is the Chief Officer of the Bicholim Municipal Council received the request on 12/07/06 and informed him on 11/8/2006, i.e. exactly on 30th day to attend his office on 22/8/2006 for certain clarifications. When the complainant has visited his office on that date, which is 41 days after making the request, the Chief Officer asked him to come again on 5/9/2006 for collecting the information. When the complainant approached the Municipal office on 5/9/2006 i.e. after 56 days, the Chief Officer simply remained absent. The complainant, thereafter, did not know what to do and went back home. On 8/9/2006, he has filed this complaint alleging harassment and refusal of giving information.

2. The complainant appeared in person and learned Advocate G. N. Agni represented the opponent. While submitting his written reply the opponent took the plea that the information was ready to be given to the complainant even before the Commission or at any time in the Bicholim Municipal Council office after tendering the fees for the same. On the point of absence on 5th September, the learned Advocate produced Xerox copies of Fax machine received by the Chief Officer from the Election office asking him to be present in Chief Electoral Office, Panaji at 3.30 p.m.

3. We have gone through the documents and the arguments. The first defence on behalf of the opponent is that the information requested is not clear and needed clarification personally by the complainant. We are afraid that this is not so, as it could be seen from the request for information. It is very clear that he has specifically asked the details of licence and documents based on licence issued to Rajaram Satish Gaonkar and Mr. Babi Gaonkar r/o Gaonkarwada, Bicholim regarding a construction by them in even Survey No. 86 sub-Div. XXV. There is nothing ambiguous in this application. Further fearing the refusal to accept the cash by the opponent, the complainant took the precaution of enclosing a Demand Draft of Rs.10/- taken after paying a Bank commission of Rs.30/-. Both the requests for information and the Demand Draft were submitted at the same time. So there is absolutely no reason for the Chief Officer to call exactly on 30th day the complainant further on 28/8/2006 after the gap of 41 days. This, the Commission feels is to harass complainant and to deny him the information and is with a malafide intention. It is not enough to give the information only at the behest of this Commission. If the information could be given after the receipt of notice from this Commission, it could have been given at the relevant time itself. We are, therefore, of the opinion that the opponent has delayed the information with a malafide intention either to suppress information or to pressurize the complainant not to pursue with the request. We are, therefore, direct the opponent to show cause why the penalty of Rs.250/- per day delay should not be imposed on him for this failure to supply the information within the time prescribed under Section 7(1) of the Act. The reply should reach this Commission by 10th November, 2006 when the case will come up for hearing for penalty at 11.00 a.m.

...3/-

4. We are also constrained to take due notice of the harassment caused to the complainant and order the payment of token compensation of Rs.1000/- by the Bicholim Municipal Council under Section 19(8)(b) of the Act. Meanwhile, the documents should be tendered to the complainant before the next date of hearing i.e. 10th November, 2006 at 11.00 a.m.

Pronounced in the open Court.

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

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