

GOA STATE INFORMATION COMMISSION

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

Complaint No. 32/2006/MAM

Shri Shivaji Krishna Sawant
H. No. 37, Don Khamb,
Betawada, Kavalem,
Ponda - Goa.

..... Complainant.

V/s.

1. The Mamlatdar of Ponda Taluka,
Ponda - Goa &
Public Information Officer.
2. The Under Secretary (Revenue),
Secretariat, Porvorim - Goa.

..... Opponent.

CORAM :

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

(Per G. G. Kambli)

Dated: 09/11/2006.

Complaint under Section 18 read with Section 20 of the Right to Information Act, 2005.

ORDER

The Complainant vide his application dated 25/4/2006 requested the opponent No. 2 to provide the copies of the following 3 documents under the Right to Information Act, 2005 (for short RTI Act) :-

1. Your Letter No.16/3/2001-RD Misc dated 7/03/2003.
2. Your Letter No.3/3/2003-RD dated 13/11/2003.
3. The Collector North - Goa Letter No. 44/4-02 CAB/DIS dated 21/01/2004.

This was followed by reminder dated 15/6/2006. The opponent No. 2 by reply dated 16/6/2006 informed the Complainant that the documents at Sr. No. 1 and 2 are not traceable in the Department and the document at Sr. No. 3 pertains to the Collector North. The Complainant, therefore, was requested to seek the said information from the Collector North.

...2/-

2. The opponent by his letter dated 1/7/2006 informed the opponent No. 2 that the document at Sr. No. 3 was in fact addressed to the office of the opponent No. 2 and therefore, the office of the opponent No. 2 should have the copy of the same. The Complainant also made it clear in the said letter that the Collector North has also not furnished the copy of the said letter. The opponent No. 2, thereafter, requested the Collector North Goa District to issue the copies of the documents to the Complainant vide letter dated 7/7/2006. Subsequently, by another letter dated 18/7/2006, the opponent No. 2 transferred the application dated 1/7/2006 of the Complainant to the Collector North Goa District for disposal under the Act. As the Complainant was not getting the required information from the opponents, the Complainant filed the complaint before this Commission. Initially, the notice was issued to the Mamlatdar of Ponda i.e. Opponent No. 1. The opponent No. 1 filed the reply stating that the documents in respect of which the copies are sought by the Complainant are not available in the office of the Mamlatdar of Ponda. Therefore, the notice was issued to the opponent No. 2. The opponent No. 2 sought time on the ground that the records got mixed up while shifting the office from the old Secretariat to new Secretariat, Porvorim which was granted and matter was fixed on 7/11/2006.

3. On 7/11/2006, the Complainant appeared in person and the opponent No. 2 also remained present in person. The opponent No. 2 submitted that the copies of the documents sought by the Complainant are already provided to the Complainant after collecting the same. The opponent No. 2 also submitted that the Complainant has not filed any first appeal and has directly approached this Commission without exhausting the remedy available under the Act. In support, he has relied upon the order dated 18/1/2006 of the Central Information Commission passed in case No.CIC/A/1/2006. The Complainant in reply submitted that the opponent No. 2 has provided merely a Xerox copies of the documents without attesting the same. The opponent No. 2 has agreed to attest/certify the copies except the documents at Sr. No. 3 as the original is not available in the office of the opponent No. 2. Therefore, we direct the opponent No. 2 to provide the attested copies of the documents at Sr. No. 1 and 2 and request the Collector North Goa District to provide attested of documents at Sr. No. 3 within a week's time.

4. As regards the contention of the opponent No. 2 that the present complaint is not maintainable, we would like to point out that complaint under Section 18 is maintainable when the information is not provided to the citizen within stipulated period of the 30 days. In the present case, the Complainant has been made to run from the pillar to post from 25/4/2006 and thereby the Complainant has been harassed instead of providing the information. Till today the documents are not issued even after six months and still the opponent No. 2 makes a grievance that this Commission is entertaining the complaint. In fact, this is a fit case for awarding compensation to the Complainant. Only because the opponent's plea that the delay is caused by the shifting of records from old Secretariat to new Secretariat, the Commission has taken a sympathetic view and refrained from either imposing penalty or awarding compensation. The opponent cannot count on the generosity of this Commission in future. The Complainant has rightly approached this Commission under Section 18 of the Act. The decision cited by the opponent No. 2 is not at all relevant as in the said case second appeal was preferred before the Commission without filing the first appeal. That apart, the decision of the CIC is also not binding on this Commission hence, we are not inclined to agree with the opponent No. 2.

Pronounced in the open Court on 9/11/2006 at 11.00 a.m.

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

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