

GOA INFORMATION COMMISSION

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

Complaint No. 34/2007-08

Smt. Elvira Fernandes,
Bobby Bar, Gurudwara Road,
Mangoor Hill,
Vasco - Goa

.....Complainant

V/s

1. The Public Information Officer,
The Chief Officer,
Mormugao Municipal Council,
Vasco - Goa

.... Opponent No. 1

CORAM:

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

(Per G. G. Kambli)

The Complainant in person
Adv. G. N. Agni for the Opponent

Date:13 /12 /2007

ORDER

This will dispose off the complaint dated 13th September 2007 filed by the Complainant against the Opponent. The grievances of the Complainant are that the Complainant made several complaints but the Opponent failed to take any action on his complaints and therefore the Complainant has approached this Commission for appropriate action against the Opponent.

2. The Opponent filed the reply and in the reply the Opponent submitted that this Commission has no jurisdiction to entertain the present complaint. The reliefs sought by the Complainant are beyond the scope, ambit, power and function of this Commission under Right to Information Act, 2005 (for short the Act). The Opponent also submitted that whatever information sought by the Complainant was already provided.

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3. Shri G. N. Agni, the learned Advocate for the Opponent contended that the Appellant has filed the Complaint directly without approaching the first Appellate Authority. He also submitted that the Complainant is not seeking any information by his present complaint or that there is no case of denial of information to the Complainant. He further, submitted that this Commission cannot grant the relief prayed for by the Commission as this is not the case of denial for information.

4. It is true that the Complaint has not come before this Commission for denial of the information under the Act. However, it is pertinent to note that the object of the Act is not only restricted to the transparency of information but also to hold the government and their instrumentlies accountable to the governed. Apart from providing information to the citizens the public authority is also accountable to the citizens. In terms of section 4(1)(d) of the Act an obligation is cast on the public authority to provide reasons for its administrative or quasi-judicial decisions to the affected person. In the present case, the Opponent has not taken any decisions on the complaints/representations of the Complainant. It is the right of the affected person to know the reasons for any administrative or quasi-judicial decisions. Therefore, any non-action on the part of the public authority certainly comes within the purview of section 4(1)(d) of the Act, which is mandatory in nature. Further the duty is cast on this Commission to secure compliance of the provisions of the Act under section, 19 (8) of the Act. Being so, inaction on the part of the Opponent falls within the ambit of section 4(1)(d) of the Act.

5. We are, therefore, not inclined to agree with the Learned Advocate for the Opponent that this Commission has no jurisdiction to entertain the present complaint. We treat this Complaint under section 4(1)(d) read with section 19(8) of the Act. Accordingly, we direct the Opponent to take the decisions, on merits, on the various complaints made by the Complainant

and communicate the decisions along with the reasons within 30 days from the date of this Order. The Compliance report shall be filed before this Commission on 31st January 2008 at 11.00 a.m. The complaint is allowed.

6. Announced in the open court on this 13th day of December 2007

Sd/
(G.G. Kamblı)
State Information Commissioner

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner