

## **GOA INFORMATION COMMISSION**

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

Complaint No. 38/2007-08/VP

Lt. Col. (Retd) Paul B. Fernandes,  
"Aerie", 468 Aquem Baixo,  
Navelim - Goa.

..... Complainant.

V/s.

1. The Director of Panchayats,  
Directorate of Panchayats,  
Panaji – Goa.
2. The Dy. Director of Panchayats,  
Directorate of Panchayats, South Goa,  
Margao – Goa.
3. The Block Development Officer,  
Salcete, Margao – Goa.
4. The Secretary,  
Village Panchayat of Sarzora,  
Chinchinim – Goa.

..... Opponents.

### **CORAM :**

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

(Per A. Venkataratnam)

Dated: 27/12/2007.

Complainant absent.

Authorized representative for Opponent No. 1 Shri. Salgaonkar present. Opponent No. 2 in person. Authorized representative for Opponent No. 3. Opponent No. 4 in person.

### **ORDER**

This matter was already disposed off in Appeal No. 27/2007 on 28<sup>th</sup> August, 2007. The directions under section 4(1)(d) were already given to the Directorate of Panchayats as public authority to inform the action taken on the grievances of the Complainant regarding an unauthorized construction of Chapel in his property and the correspondence made by him from 12/11/1994 and subsequent disappearance of certain documents.

2. Notices were issued and all the Opponents have filed their statements. Complainant could not remain present. The replies were forwarded to him

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whereupon he asked for postponement of the matter as he is not well. As the matter is quite old and was substantially dealt with on earlier occasion and this is only regarding the follow up of the action taken by the Opponents consequent on the passing of the order dated 20<sup>th</sup> August, 2007 by this Commission, the adjournment application was rejected. It is also not mandatory under the Right to Information Act, 2005 (for short the RTI Act) that the Appellant should remain present during the hearing of his complaint/appeal. The matter is decided based on the documents.

3. The Opponent No. 1, the Director of Panchayats has stated that the complaints regarding the illegal construction have to be lodged, formally, with the Dy. Director of Panchayats under section 66(5) of Goa Panchayat Raj Act, 1994 for the Department to take further action. However, he has directed the Dy. Director to take further action suo moto. The Opponent No. 2, Dy. Director of Panchayats submitted that so far no complaint was made before her under section 66(5) of the Panchayat Raj Act but has called for a report from the Block Development Officer, Salcete based on the direction of the Opponent No. 1. The Block Development Officer, Salcete fixed a site inspection on 4/12/2007 and invited the Complainant to remain present. The Complainant was not present. He alongwith his Extension Officer, (Village Panchayat) inspected the Panchayat office earlier on 13/4/2007. The records which were said to be destroyed by "white ants" are confirmed by the Block Development Officer. The Village Panchayat Secretary claimed that she was not the Panchayat Secretary at the time of the illegal construction in 1994. However, she has also confirmed that the records are destroyed by the white ants and the Panchayat was not maintaining a register of illegal constructions prior to 1/1/1999.

4. It has come on record that the Complainant has already filed a civil suit in this matter and wanted the documents in that connection. However, as mentioned above, there is no way of reproducing the same documents which were destroyed. The action taken by the various authorities is contained in various statements made before this Commission, copies of which were already sent by the Commission to the Complainant and acknowledged by the latter.

5. We also find that section 4(1)(a) of the RTI Act is not implemented by the Department of Panchayats. According to this section, all public authorities have to maintain their records duly catalogued and indexed in a manner and in the form which facilitates the right to information under this Act and ensure that all the records are computerized in a reasonable time. Though no specific time limit has been mentioned, it's already more than 2 years since the Act has come into force and all the public authorities should move in this direction. We, therefore, direct the Director of Panchayats to issue instructions to all the Panchayats in the State to start cataloguing and indexing all their records and computerizing the same within the next 3 months so that similar incidence of missing records will not arise. With this direction, we close the matter, as nothing further survives in the complaint.

Pronounced in the open court on this 27<sup>th</sup> day of December, 2007.

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

Sd/-  
(G. G. Kampli)  
State Information Commissioner

/sf.