

## **GOA INFORMATION COMMISSION**

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

Complaint No. 42/2007-08/VP

Shri. Rabindra A. L. Dias,  
Dr. Pires Colony, Block 'B',  
Cujira, Santa Cruz – Goa.

..... Appellant/Complainant.

V/s.

1. Public Information Officer,  
The Secretary,  
Village Panchayat of Sernabatim, Vanelim,  
Colva & Gandaulim, Colva, Salcete – Goa.
2. First Appellate Authority,  
The Dy. Director of Panchayats,  
Salcete Taluka, Margao – Goa.

..... Respondents/Opponents.

### **CORAM :**

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

(Per A. Venkataratnam)

Dated: 27/12/2007.

Complainant present.

Adv. F. M. Mesquita for Opponent No. 1 present.

### **ORDER**

To an application dated 11/7/2006 by the Appellant filed before the Public Information Officer, Respondent No. 1 herein, on 11<sup>th</sup> July, 2006 the Public Information Officer replied on 7/8/2006, within the statutory time limit, that "No old correspondence of this office is available in this office, as the same are eaten by 'white ants'. The matter had already been brought to the notice of the Directorate of Panchayats". This reply is touted by the Respondent No. 1 as a complete reply which discharged the liability imposed on him by section 7 of the Right to Information Act, 2005 (RTI Act for short). This view is, however, not shared by the first Appellate Authority, Respondent No. 2 herein. In an order passed on 19/09/2006 by the Respondent No. 2 on the first appeal dated 14/08/2006 of the Appellant, the Respondent No. 1, Public Information Officer was directed to "to comply with the request". We take this as allowing the first appeal. What remains, then,

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is only the compliance of the first Appellate Authority's order. As the Appellant could not succeed so far, he was compelled to file this present second appeal No. 56/2007. However, as we do not find any grievance of the Appellant with the order of the first Appellate Authority, and this is actually an execution application, we have directed the Complainant to convert this into a complaint. Accordingly, the Second Appeal is converted now as a Complaint and the Respondents are termed as Opponents and will be referred as such here afterwards.

2. Notices having been issued to the Opponents, they have filed their say. Adv. F. M. Mesquita on behalf of the Opponent No. 1, Public Information Officer, has taken a preliminary objection regarding the limitation. The second appeal has to be filed within 90 days after the pronouncement of order of the first appeal. However, as we have mentioned above, this is not an appeal and the limitation does not apply in this case. For a complaint by a citizen under section 18, there is no time limit. It is at the discretion of the Commission that a complaint is inquired into. The Complainant has mentioned that he was sick from 30/04/2007 to 08/06/2007 and produced medical certificates from the Goa Medical College. As soon as he recovered, he filed his present appeal which is converted now as a complaint by us. We, therefore, overrule the preliminary objection of Respondent No. 1. The Respondent No. 1, thereafter, takes a plea that the information was already supplied to the Complainant as far as 7<sup>th</sup> August, 2007. The first Appellate Authority has already held that this is not a correct reply and the information has to be given by the Opponent No. 1. Now, the information is about the documentary proof submitted by 4 persons for getting their house numbers by the V.P. Sernabatim, Colva, Vanelim, Gandaulim existing in the property administered by the Complainant in the village of Sernabatim. It is the contention of the Complainant that he has not given any approval and therefore, wanted to know how these houses were regularized by the Panchayat. When the house numbers were allotted by the Panchayat is not known but however, they are not very old probably much later than 2001. The exact dates are not available on record nor mentioned in any of this statements by the Opponent No. 1 or 2. Even so, on the direction of the first Appellate Authority, an effort appears to have been made by the Public Information Officer to collect copies from the four house owners. This was informed by the Opponent No. 1 as early as 29<sup>th</sup> March, 2007. We do not

know why they have not yet been furnished to the Complainant. The Complainant has mentioned that a couple of times, he visited the Panchayat and offered to pay fees but neither the Panchayat Clerk accepted the fees nor gave him any copies. We, therefore, direct the Village Panchayat Secretary, Opponent No. 1 to hand over copies of all the documents now obtained by the Panchayat from the 4 parties within next 15 days from the date of this order. Advance information should be given to the Complainant about the date and time on which he can collect the documents from the Village Panchayat. The Commission would be compelled to take a serious note if the documents were not handed over within the time prescribed now.

3. With this view of the matter, the complaint is allowed partly. The other requests of the Complainant to pay him compensation and penalise the Public Information Officer for non-supply of information are rejected, as we are not inclined to take action against the Public Information Officer under section 20 at this stage.

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.