

GOA INFORMATION COMMISSION

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

Complaint No. 54/2007-08.

Shri Sushant P. Nagvenkar,
H.No. C-312, Fondvem,
Ribandar – Goa.

Public Information Officer,
The Secretary,
Department of Sainik & Welfare Board,
Collectorate Building,
Panaji – Goa.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

&

Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Dated: 18/02/2008.

Complainant present in person.

Mrs. Harsha Naik, Government Counsel for the Opponent.

O R D E R

The Complainant has filed the present Complaint on 12/12/2007 against the Opponent alleging that the Opponent has not provided the information to the Complainant as per the direction given by this Commission by order dated 22/11/2007 passed in appeal No. 60/2007. The Complainant states that the communication dated 30/11/2007 issued by the Opponent subsequent to the order passed by this Commission does not constitute information and therefore the same cannot be said to be the compliance of the order. According to the Complainant the communication dated 30/11/2007 amounts to non-furnishing of the information causing deliberate delay despite the order of the Commission. Subsequently, the Complainant also filed his Rejoinder No. 1 comprising of 7 pages wherein some new facts have been brought out and Special Secretary (Home) has been impleaded as Co-Respondent. ...2/-

2. The Opponent filed the reply and in the reply the Opponent submitted that vide letter dated 30/11/2007, the Complainant was asked to collect the information on payment of Rs. 6/- as fees. Instead of collecting the information on payment of fees, the Complainant has approached this Commission, thereby abusing the process of law and the Complaint has been filed to harass the Government official. It is also alleged in the reply that the Complainant is misusing the Act.

2. The only point that arises for our consideration is whether the order dated 22/11/2007 passed by this Commission in appeal No. 60/2007 is complied or not. We are not considering the new facts/allegation made in Rejoinder No. 1 as these are not relevant for deciding the point under consideration.

3. The Commission by its order dated 22/11/2007 has directed the Opponent and the Public Authority i.e. the Rajya Sainik Welfare Board to give specific reply one way or the other as to whether the department is implementing the reservation policy of the Government, within 15 days. Similarly, the Commission directed the Opponent to provide copies of the Office Memorandum dated 27/11/1997 and Government Circular dated 15/03/2005 within 15 days from the date of the order. In pursuance of the said order of the Commission, the Opponent asked the Complainant to collect the information on or before 05/12/2007 on any working day on payment of Rs. 6/- vide reply dated 30/11/2007. We do not see any fault in the said reply. Infact, the Complainant ought to have collected the information on payment of Rs. 6/- as mentioned in the said letter and in case he was not satisfied with the information provided by the Opponent, he could have very well approached this Commission by way of complaint. Therefore, the present Complaint is pre-mature.

4. We would also like to make it clear that the Complaint is not entitled to the information free of cost nor the Commission in its order has given any direction to the Opponent to provide the information to the Complainant free of cost. Even otherwise, the Complainant is not entitled to get the

information free of cost as the request of the Complainant was not under section 7 (5) of the Act. This Commission has held in number of cases and reiterated in Appeal No.18/2007(Shri V. A. Kamat V/s Chief Town Planner, Town and Country Planning Department and others) that the information cannot be supplied free of cost even though the information is provided beyond the limitation period of 30 days unless the information is sought under section 7 (5) of the Act.

6. In these circumstances, we do not find any substance in the present complaint and accordingly we reject the same.

Announced in the open court on this 18th February, 2008.

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

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

No.GSIC/Compl-54/2007-08/DSWB

Goa State Information Commission
Shrama Shakti Bhavan,
Patto Plaza, Ground floor,
Panaji – Goa.

Dated: 20/02/2008.

1. Shri Sushant P. Nagvenkar,
H.No. C-312, Fondvem,
Ribandar – Goa.

2. Public Information Officer,
The Secretary,
Department of Sainik & Welfare Board,
Collectorate Building,
Panaji – Goa.

Sub: - Complaint No. No.GSIC/Compl-54/2007-08/DSWB.

Sir,

I am directed to forward herewith the copy of the Order dated 18/02/2008 passed by the Commission on the above complaint for information and necessary action.

Yours faithfully,

(Pratap Singh Meena)
Secretary,

Encl: Copy of Order in 2 pages.