

GOA INFORMATION COMMISSION

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

Complaint No. 67/2006/CCP

Mr. Sanford Facho
R/o Doris Palace,
H. No. 1739, Alto Porvorim,
Bardez - Goa.

..... Complainant.

V/s.

1. The Public Information Officer,
Mr. Elvis Gomes,
The Commissioner,
Corporation of the City of Panaji,
Panaji - Goa.
2. Mr. N. B. Narvekar
The Project Director,
District Rural Development Agency,
Shanta Building, St. Inez,
Panaji - Goa.

..... Opponents.

CORAM:

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

(Per G. G. Kambli)

Dated: 13/06/2007.

Complainant in person.

Adv. S. Desai on behalf of both the Opponents present.

ORDER

This is the complaint dated 23/3/2007 filed by the Complainant under Section 18 read with Section 20 of the Right to Information Act, 2005 (hereinafter referred to as the Act) against the Opponents.

2. The case of the Complainant is that the Complainant vide his application dated 8/12/2006 sought certain information from the Public Information Officer of the Corporation of City of Panaji under Act which application was duly acknowledged. As the Complainant did not receive the information from the Opponents within specified time limit laid down in the Act, the Complainant filed a first appeal before the first Appellate Authority on 8/2/2007 and the first Appellate Authority allowed the appeal and directed the Opponents to make

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available the information within 10 days from the date of the said order and to respond to the Complainant within 48 hrs. vide order dated 21/2/2007. As the order of the first Appellate Authority was not complied with by the Opponents, the Complainant has filed the present complaint alleging that the Opponents have acted in total disregard to the order passed by the first Appellate Authority and praying for i) recommending disciplinary action; ii) imposing the penalty; iii) awarding the compensation to the Complainant and iv) giving directions to the Opponents to provide the information immediately.

3. Upon issuing the notices, the Opponents filed the reply. In their reply, the Opponents have stated that the information sought by the Complainant cannot be termed as information within the definition of the "Right to Information". On merits, both the Opponents have submitted that the Opponent No. 1 had just taken over as Public Information Officer after the order was passed by the first Appellate Authority and Opponent No. 2 was under the order of the transfer when the said order was passed by the first Appellate Authority and on account of this the order of the first Appellate Authority could not be complied with.

4. As regards plea taken by the Opponents that the information sought by the Complainant do not fall within the definition of the Right to Information, we cannot go into this plea at this stage as no such plea was taken before the first Appellate Authority and order of the first Appellate Authority has not been challenged by the Opponents. We are concerned in this complaint to ensure the compliance of the order passed by the first Appellate Authority.

5. After hearing the arguments of the Complainant as well as the learned Advocate for the Opponents on 7/5/2007, we directed the Opponents to provide the information to the Complainant within a week's time and to file the compliance report on 15/5/2007. On 15/5/2007 the Complainant as well as the Opponents remain present alongwith their Advocates. The Complainant submitted that the Opponents have not provided the complete information as sought by the Complainant. The Complainant was directed to file the detailed reply giving the details of the information sought, information provided and the information which is incomplete, with a copy to the Opponents and the matter was fixed for hearing on 31/5/2007. Accordingly, Complainant filed his application on 16/5/2007. The Complainant in column 3 has given the status of

the information furnished. However, Complainant has not explained clearly in what way the information was incomplete and answers were not satisfactory. On 31/5/2007 the Complainant remained absent. The Advocate for the Opponents remained present and filed reply. The Opponent No. 1 in his letter dated 25/5/2007 requested the Complainant to verify the records of the Corporation and pin point the documents of which the copies are required. Since the Complainant remained absent, it was not possible for the Commission to know exactly in what way the information provided to the Complainant was incomplete and not satisfactory. The Complainant failed to satisfy the Commission on this aspect.

6. Therefore, we reject the complaint of the Complainant. Parties to be informed.

(G. G. Kambli)
State Information Commissioner

(A. Venkataratnam)
State Chief Information Commissioner