

**GOA INFORMATION COMMISSION**

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

Complaint No. 75/2007-08

Smt. Roopa Ningappa Arabavi,  
D/o Srikanth Gurusiddappa Hullali,  
Shindehatti, Hidkal Dam, Hukkeri,  
Belgaum - Karnataka

.....Complainant

V/s

1. The Public Information Officer,  
The Chief Officer,  
Town Municipality ,  
Margao - Goa

.... Opponent No. 1

**CORAM:**

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

(Per G. G. Kambli)

Adv. Maruti Rao for the Complainant  
Adv. G. Agni for Opponent

Date: 08 /05 /2008

**J U D G M E N T**

The Complainant vide her request dated 16/12/2007 approached the Opponent seeking copy of the extract of death register showing the death of Ningappa Arabavi at Madgaon on 2-11-2006. As the Complainant did not receive any response from the Opponent, Complainant has filed the present complaint under section 18(1) of the Right to Information Act, 2005 (for short the Act). Complainant prays that the Opponent be punished for not providing the information and sought a direction to the Opponent to supply copies of the documents sought by the Complainant.

2. The Opponent filed the reply and raised the preliminary objection stating that the present complaint is not maintainable as the same has been filed without exhausting the remedy of approaching first Appellate Authority. On merits the Opponent submitted that as per the record of the

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Opponent, two deaths are registered of unknown male persons as per the request of Margao Police. The first death was registered on 10/11/2006 of the male unknown person aged about 35 years under No. 1007 and the second death was registered on 14/11/2006 of male unknown person of aged about 40-45 years under Reg. No. 1009. The Opponent has also clarified that no death has been registered on 2/11/2006 in the name of Ningappa Arabavi and therefore no information could be provided to the Complainant.

3. There is no doubt that the complaint can be filed under section 18 of the Act where the citizen has not been given the response within the time limit specified in the Act. However the provision of section 18 are subject to other provisions of the Act. There is specific provisions in sub-section (1) of section 19 where an appeal can be preferred if the person does not receive the decision within the time specified in the Act. Admittedly the Complainant has not filed any appeal under section 19 (1) of the Act and hence we are not inclined to entertain the present complaint. Even on merits, the Opponent has clarified that no death in the name of Ningappa Arabavi has been registered on 2/11/2007. Therefore, we do not find any fault or wrong in the information furnished by the Opponent to the Advocate for the Complainant vide letter dated 31/03/2008 which was sent by the Opponent to the Advocate for the Complainant only after filing the present Complaint before this Commission.

4. The said reply was given by the Opponent after the period of 115 days from the receipt of the request thereby causing much hardships and inconveniences to the Complainant. Though it is a genuine case for awarding the compensation to the Complainant because there has been an inordinate delay on the part of the Complainant, which has not been explained by the Opponent, we are not inclined to award any compensation because the Hon'ble High Court of Bombay has stayed the order of this Commission passed in the Complaint No. 7/2006, in writ petition No.326/2007.

5. In the result, the following order is passed:-

ORDER

The Complaint stands rejected. However, we direct the Opponent to give the suitable reply to the citizens seeking information under the Act within specified time limit as provided in the Act.

Announced in the open court on this day of 8<sup>th</sup> May, 2008 at 11.00  
a.m.

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

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

KM/-