

# **GOA STATE INFORMATION COMMISSION**

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

Penalty Case No. 21/2006 in Appeal  
No. 51/2006/Commu.

Lt. Col. Sylvester M D'Souza, Retd.,  
217 Bella Vista, Sangolda,  
Bardez – Goa 403 511.

..... Appellant.

V/s.

1. Public Information Officer  
Office of Administrator of Comunidades,  
North Goa, Mapusa, Bardez – Goa.
2. First Appellate Authority  
The Additional Collector, North Goa,  
Collectorate Building, Panaji - Goa.
3. The Registrar,  
Comunidade of Sangolda,  
Bardez – Goa.

..... Respondents.

## **CORAM:**

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

(Per G. G. Kambli)

Dated: 13/06/2007.

## **ORDER**

This Commission by its order dated 5/3/2007, passed in the appeal No. 51/2006/Commu., the Registrar of Comunidade of Sangolda was treated as Public Information Officer in terms of the provision of sub-section (5) of Section 5 of the Right to Information Act, 2005 (for short the Act) and he was directed to show cause as to why the penalty should not be imposed on him under Section 20 of the Act for the delay in providing the information to the Appellant. The said Registrar filed the reply stating, interalia, that as per the Resolution passed by the Comunidade and approved by the Respondent No. 1, all the information and the records of the Comunidade are to be maintained by the Attorney of the Comunidade and therefore, the application of the Complainant were placed before the Comunidade and only when the Attorney of the Comunidade made available information to him, he furnished the information to the Respondent No. 1. He, therefore, prayed that he may be discharged from the penalty. In the meantime, the

...2/-

Appellant also moved an application dated 26/3/2007 stating that the Registrar of Comunidade of Sangolda is not responsible for the offence of delay. He did not mention this difficulty at the time of hearing on the main application nor in his earlier written reply. Had he done so, the Commission could have held the attorney as the deemed Public Information Officer.

2. In view of the explanation given by the Registrar of Comunidade of Sangolda and letter dated 26/3/2007 of the Appellant, we drop the proceedings against the Registrar of Comunidade of Sangolda. However, we would like to warn the Registrar of Comunidade of Sangolda to be careful in future in disposing off the application under the Act within the time limit specified in the Act. Parties to be informed.

(G. G. Kampli)  
State Information Commissioner

(A. Venkataratnam)  
State Chief Information Commissioner