

In the matter of Section 18 of the RTI Act (Central Act No. 22 of 2005)

CORAM : A. Venkataratnam., SCIC
G.G.Kambli, SIC

(Per G.G. Kambli)

Dated : 06/07/2006.

ORDER

By this order, we will dispose off the complaint filed by the complainant against the Opponent and the Directorate of Information and Publicity . In brief, the complainant sought certain Information from the Opponent under the Right to Information Act, 2005 (herein after referred to as the “RTI Act”) vide request letter dated 31/03/06. alongwith the application fee of Rs 10/-. The complainant states that the Office of the Opponent did not accept the fee stating that the same is required to be paid at the time of the collection of Information.

2. The Complainant further states that he received the letter dated 17/04/2006 from the Assistant Public Information Officer asking him to pay the fees of Rs10/-. Accordingly, the Complainant deputed a messenger with the fee of Rs

The Opponent appeared in person & stated that the information sought by the complainant will be furnished within 15 days. He also stated that he has appointed as PIO only on 16/06/2006. The Opponent further stated that the complainant has not paid fee of Rs. 10/- and hence the information was not furnished. Therefore the Opponents was asked to file his reply within 2 days.

5. On 28/06/2006, the Opponent filed the reply stating that he was appointed initially as APIO vide order dated 15/09/2005, and in modification thereof, he has now been appointed as PIO by order date 16/06/2006. The Opponent has again reiterated in the reply that the complainant has not paid fee of Rs 10/- nor approached PIO/APIO nor 1st Appellate authority. The Opponent stated that the information sought by the Complainant would be furnished within 2 weeks from the date of filling the reply.

6. The Complainant in his reequest letter date 31/03/2006 has sought certain information & it is evident from the said letter that the Complainant tendered Rs. 10/- as required by the rules and undertook to pay further fees. This has not been denied by the Opponent. By another letter which has been sent with a messenger received by the Office of the Opponent on 21/04/2006 in response to the letter dated 17/4/2006, the complainant against sent a fee of Rs 10/-. This has also not been denied by the opponent. It will be seen from the request letter dated 31/03/2006 of the Complainant & subsiquent letter addressed to the APIO and the present complaint the comlainant had offered to pay the application of Rs 10/- but the Office of th Opponent has not accepted the same stating that same is

section of 7(6) of the RTI Act. According to which the information is to be furnished free of cost.

8. Coming now to the prayer of the complainant to initiate the action against the Opponent under section 20 of the RTI Act for imposing penalty, it is noted that the Opponent has been appointed as PIO only on 16/06/2006, that is, after the complaint was made to this Commission by the complainant.

9. This being the position, the Opponent cannot be held responsible for the delay in furnishing the information to the complainant. Nonetheless, there has been inordinate delay which compelled the complainant to file the present complaint. As can be seen from the list of PIOs. Shri V. V. Sawant was appointed as P.I.O. of the Directorate of Information and Publicity who stands transferred on deputation to the this Commission by order dated 29/3/2006. Therefore, there was no PIO for the Directorate of Information & Publicity for period of 2 and ½ months. Hence the Director of Information & Publicity being the Head of Department is responsible for not complying with the provisions of the RTI Act. It is unfortunate that the Director of Information & Publicity which is implementing department of RTI Act, has not complied with the statutory provisions of section 5 of the RTI Act, thereby putting the citizens to hardships. Had there been a PIO, the complainant might have got information in time. It is also to be noted that the department of Information & Publicity has framed the Rules under which an application fee of Rs 10/- is required to be paid at the time

invoke the provisions of Sections 19(8) (b) of the RTI Act, but the Commission takes the lenient view being the first case.

12. The Commission would like to observe that the provision of Sub Section (6) of Section 7 of the RTI Act, is mandatory in and it has overriding effect over sub Section (5) of Section 7 of RTI Act, Therefore, the time limit prescribed in the Act is to be strictly adhered to as otherwise there will be loss of revenue of the Government, as it has happened in the present case.

13. In view of the above, the complaint is partly allowed. The opponent is directed to furnish the information sought by the complainant within two weeks from 28/06/2006 that is on or before 12/07/2006, free of cost but on payment of Rs.10/- only. The request of the complainant to initiate action for imposing panality under section 20 of RTI Act is rejected .

Inform the parties.

(G.G. Kambli)
State Information Commissioner, GOA.

(A.Venkataratnam)
State Chief Information Commissioner, GOA.

06/07/2006.