

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner.

Appeal No. 11/ SIC/2014/

Shri Amod Venkatesh Veling,
F-6, Takkar Retreat,
Juna Gangapur Naka,
Gangapur Road , Nasik,
Maharashtra-422005

.....Appellant

V/s.

1. Public Information Officer,
Chief Officer,
Mapusa Municipal Council,
Mapusa Goa.

.....Respondent No. 1

2. First Appellate Authority, Director,
Directorate of Municipal Administration,
Collectorate Building, Panaji-Goa

.....Respondent No. 2

Appeal filed on: 31/01/2014

Decided on: 17/11/2016

ORDER

1. Brief facts of the case are that the Appellant Shri Amol Veling through his application dated 19/05/2012 under section 6(1) of Right to Information Act (for short the Act) sought certain information at point No. 1, 2, and 3 in respect of house bearing No. 131 situated in ward No. 8, Ansabhat Vithalwadi Mapusa Goa from the Public Information Officer (PIO) of Mapusa Municipal Council. The said information was requested to be furnished through post.
2. The Respondent No. 1 PIO replied to the said application on 12/06/2012 and informed the Appellant to collect the documents on payment of Rs. 6/-. Since no information was provided to him within specified time and being aggrieved by the reply of the PIO, the appellant preferred the first appeal before the Director, Directorate of Municipal Administration at Panjim, being the First Appellate Authority (FAA) on 13/07/2012. As the first appeal was not heard by the Respondent No. 2 FAA nor any order was passed within stipulated time, the Appellant approached this Commission on 28/11/2012 under section 19(3) of the RTI Act. In this Appeal the Appellant prays for the directions as against PIO to furnish the information by speed post and for Penal provisions.
3. After the appointment of this Commission, the fresh notices were issued to both the parties. Respondent No. 1 represented by Vinay Agarwadekar during initial

hearing and then he opted to remain absent nor filed any reply. Appellant was absent however various application were made by him informing this Commission regarding his inability/difficulty to travel long distance on account of the injuries caused to him in accident.

4. A written synopsis was submitted by the Appellant through post. In the said written arguments the appellant had submitted that the PIO vide his letter dated 06/05/2013 and vide letter dated 11/05/2013 furnished him the documents by post which according to him was incomplete. His further contention is that he has sought the information from the time the Mapusa Municipal Council came into existence some where in 1968 in respect of the said house, however the information furnished to him pertaining from the period 1977 to 2009 as such he claims that incomplete information was provided to him. It is his case that the information for the period 1968 to 1977 have not been furnished to him as such he claims that incomplete information was provided to him. It is his further case that query number 3 have not been properly answered. It is also his grievance that the first Appellate Authority deliberately in order to shield Respondent PIO have not heard the matter nor passed any order. Vide his written synopsis dated 31/01/2014 he has claimed the damages/ compensation amounting to Rs. 58,000/-.
5. In nutshell it is the case of the Appellant despite of paying/remitting amount of Rs. 35/ by e money order as fees towards the postal charges on 15/09/2012 in the name of Chief Officer, the information was not furnished to him and whatever information was furnished to him was incomplete.
6. I have scrutinized the entire records available in the file. It is seen from the records that initially the PIO has shown their willingness to furnish their documents within stipulated time. The same could be gathered from the letter of the PIO dated 12/6/12. The records shows that the amount of Rs. 35/- was remitted by the applicant on 15/9/2012 by money order which was received by the chief officer of Mapusa Municipal Council on 17/09/2012. The copy of the acknowledgement of having the received the same amount on 17/09/2012 by the Respondent have been enclosed to Appeal memo by the Appellant. Even after remittance of amount of Rs. 35/- which was acknowledged by the office of the Respondent No. 1, PIO it is seen that the part of the information only came to be submitted to the appellant on 6/5/13 and on 11/6/13. Admittedly there is a delay in furnishing the information. The reasons for the delay has not been explained by the Respondent PIO.
7. Further glaringly it can be noticed in the course of this proceedings that on receipt of the notice of this Appeal, no explanation or reason is furnish by the PIO for not providing information promptly. It is apparent from the records that the Respondent No. 1, then PIO has shown lack and negligence in his attitude towards discharge of his function as PIO. Material on record also shows that the PIO, Respondent No. 1 did not take any diligent steps in discharging responsibility under the RTI (Right to Information) Act. *The PIO's*

to always keep in mind that their services are taken by the Government to serve the people of state in particular and the people of country at large. They should always keep in mind that the objective and the purpose for which the said Act came into existence. The main object of RTI Act is to bring transparency and accountability in public authority and the PIO's are duty bound to implement the Act in true spirit.

8. If the correct information was furnished to the Appellant in the inception he would have saved his valuable time and hardship cause to him, in perusing the said Appeal.
9. The record also shows that even though the 1st appeal was filed by the appellant before Respondent No .2 FAA , the same was not taken up for hearing . The said act on the part of the Respondent No.2 FAA is in contravention against the RTI Act . The said act came into existence to provide fast relief and as such time limit is fixed under the said Act to dispose application u/s 6 (1) within thirty days and to dispose 1st appeal maximum within 45 days . The acts of both the . Respondents are condemnable .
10. It is quite obvious that the Appellant have suffered lots of harassment and mental agony in seeking information. He has made to run from pillar to pole, lots of his valuable time is being spent on seeking the information. If Respondent No. 1, then PIO had taken prompt and given correct information such harassment and detriment could have been avoided.
11. Public Authority must introspect that non furnishing of the correct or incomplete information lands the citizen before FAA and also before this Commission resulting into unnecessary harassment of the common men which is socially abhorring and legally impermissible, therefore some sought of compensation helps in caring this social grief
12. Considering the conduct of the of both the Respondents and their indifferent approach to the entire issue , I find some substance in the contention of the appellant. In the afore said circumstances I proceed to dispose this appeal with the following order :-

Order

- a) Respondent No.1 PIO is hereby directed to give clear and unambiguous reply as to when the Mapusa Municipality came into existence and to provide him information available in their records right from its formation till the year 1977 free of cost within three weeks from the date of the receipt of this order by registered post and report compliance to this commission alongwith the acknowledgement of the appellant to this commission within 10 days thereafter.
- b) Issue notice to Respondent No. 1 PIO to show cause as to why action for imposing penalty, compensation and disciplinary action as provided in section 20(1) and 20(2) should not be initiated against him returnable on 27/12/2016.

- c) As the FAA, who is the Respondent No. 2 herein, has failed to comply with requirement, as contemplated under section 19(1) of the act thereby interfering with the administration of this Act, I find it necessary to recommend disciplinary action against him as also to direct him to compensate the appellant. I therefore direct the FAA the Respondent No.2 herein to show cause as to why disciplinary action should not be recommended against him and/or direct him to compensate the appellant.
- d) If no reply received from the PIO and FAA it shall be deemed that he has no explanation to offer, the further order as may be deemed fit shall passed .

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-
(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa