

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal No.128/SIC/2015

Adv. Shri. Pranav V. Sanvordekar,
H.No.474/A, "Muktayee",
Bagwada, Sanvordem –Goa.

.....Appellant

V/s.

1. The Public Information Officer.
Under RTI Act, 2005 ,
Goa Industrial Development Corporation (GIDC),
EDC Complex, Panaji - Goa.
2. The First Appellant Authority
Under RTI Act, 2005,
Goa Industrial Development Corporation (GIDC),
EDC Complex, Panaji –Goa.

.....Respondents

Appeal filed on: 17/12/2015

Decided on: 04/10/2016

ORDER

1. This Second Appeal came to be filed by Shri Pranav B. Sanvordekar on 17/12/2015 against Respondent No. 1, PIO (Public Information Officer), Goa Industrial Development Corporation, Panajim-Goa and as against Respondent No. 2, FAA (First Appellate Authority) under section 3 of section 19 of the Right To Information Act 2005 (herein after referred to as RTI Act).
2. The fact leading to the second Appeal are that the Appellant vide his application dated 18/08/2015 had sought certain information at point No. 1 to 3 as stated therein in the said application concerning 330th Board Meeting of Goa Industrial Development Corporation (GIDC).
3. The Respondent No. 1, Public Information Officer (PIO) by their reply dated 14/09/2015 informed the present applicant that information sought is not available in the estate division. Since the Appellant was not satisfied with the reply given by the Respondent No. 1, PIO, the Appellant then

approached the First Appellate Authority (herein after referred as FAA). On 23/09/2015 and the Respondent No. 2, FAA passed order on 15/10/2015 allowing the Appeal and thereby directed the Respondent No. 1, PIO to collect the information/call for the information if available from all the sections of GIDC and decide the application as per provisions of RTI Act within 2 weeks time.

4. Since the order of Respondent No. 2, FAA was not complied and being aggrieved by the action of PIO in not furnishing the information, the Appellant approaches this Commission with the present second appeal on 17/12/2015 with the prayers for direction to furnish the complete information and to initiate action against the Respondents for not supplying the information.
5. After notifying the parties the matter was listed on board and taken up for hearing. During the initial hearings the Appellant was present in person. Respondent No. 1, PIO Shri C. F. Sequira was present.
6. Reply came to be filed on behalf of Respondent No. 1, PIO on 18/04/2016. Vide said reply the Respondent No. 1 PIO duly furnished the information on all 3 points. The copy of the same was furnish to the Appellant on 18/04/2016. Since the Appellant was not satisfied with the information provided at point No. 2 and 3, the Respondent No.1, PIO volunteered to furnish additional reply/information with regards to point No. 2 and 3.
7. Accordingly additional reply came to be filed on 03/06/2016 furnishing additional information with regards to point No. 2 and 3. The copy of the same could not be furnish to the Appellant since he was absent. Opportunity was awarded to Appellant to collect the reply alongwith the copies of the information and as he failed to collect the same, the same was then sent by Respondent No. 1 PIO by Registered A.D. to the Appellant and then he filed compliance report on 08/08/2016 alongwith the A.D. Card.
8. Opportunity was given to the Appellant by this Commission to inform this Commission whether the information which have been received by him is to his satisfaction and as per his requirement. Since he did not appeared on the subsequent dates, matter was fixed for arguments.

9. The Respondent No. 1 PIO Sequira submitted that his reply may be treated as arguments. An opportunity was awarded to the Appellant to file written argument if any and the matter was posted for orders.
10. On scrutiny of the file it is seen the reply to the applicant under section 6(1) was given in very casual manner. The reply reveals that information was not available in the '**estate division**'. The reply given by the PIO reveals that he has only mentioned above one section of GIDC. It appears that there are no separate PIO's for each section, as such the present PIO is the only one Officer who is designated as PIO for GIDC and he represents the entire office and not the single section. Being so, he could have sought assistance of any other Officer which he considers it necessary for the proper discharge of his duties. The same was permissible under section 5(4) of the Act. It was his abundant duty to collect the information from the concern section and to provide the same to the Appellant.
11. Further on perusal of the order passed by the FAA it reveals that the FAA directed PIO to provide information as sought by him, by collecting the said from the different sections. However, in utter disregard to the said order the Respondent No. 1, PIO again failed to provide information as sought for. Once the order is passed by FAA who is senior rank Officer then the PIO there was no option left to the PIO to comply such order.
12. Information came to be provided only on 18/04/2016 and on 03/06/2016 before this Commission. There is a delay of about 6 months in furnishing the information. The reason for the delay have not been sufficiently explained by the present PIO.
13. Further glaringly it can be notice in the course of this proceedings that on receipt of the notice of the Appeal no explanation or reason is furnished by the PIO for not providing information. It is apparent from the records that the Respondent No. 1, 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 Act. The PIO's to always keep in mind that there 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.

14. It appears that in the initial reply incomplete and incorrect information was provided. This could be gathered from additional reply/information filed on 03/06/2016.

15. 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. It is quite obvious that the Appellant have suffered lots of harassment and mental agony in seeking information. If Respondent No. 1, PIO had taken prompt and given correct information such harassment and detriment could have been avoided.

16. 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.

17. In the circumstances considering the conduct of Respondent No. 1 PIO I find that the case where the request of Appellant for the grant of penalty and compensation to be genuine as such it would be appropriate that the Respondent No. 1, PIO is directed to give reason as to why the Commission should not impose penalty and compensate as prayed by the Appellant.

18. Since the information is now provided to the Appellant and Appellant have not approached this Commission with grievances in respect of information furnished to him, this Commission holds and presumes that the Appellant is satisfied with the information provided to him.

19. In the above given circumstances following order is passed.

- a) As far as Prayer A, no intervention is required. However liberty is given to the Appellant to seek additional information with regards to same subject matters if he so desires.
- b) Issue notice to Respondent No. 1, PIO showing cause why he should not be made to compensate Appellant for the inconvenience, hardship and mental agony caused by him.

c) Issue notice to Respondent No. 1, PIO to showcause why penalty should not be imposed on him.

Respondent No. 1 is hereby directed to remain present before this Commission on 16/11/2016 at 3.30. p.m. alongwith written submission showing why cost/ compensation/ disciplinary action should not be imposed/initiated against him. If no reply is filed by the Respondent No. 1-PIO it shall be deemed that he has no explanation to offer and further orders as may be deemed fit shall be passed

Appeal dispose of accordingly proceeding closed.

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 under the Right to Information Act 2005.

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