

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal 25/SIC/2015

Shri Bharat Tukaram Hoble,

H. No. 409,

Baman Bhat Mercedes,

Tiswadi-Goa

.....Appellant

V/s

1. The Public Information Officer.

The Secretary

Village Panchayat Secretary

Village Panchayat of SantaCruz,

SantaCruz, Tiswadi, Goa 403005

2. The First Appellant Authority

Block Development Officer,

Tiswadi Block, Panaji-Goa, 403001

....Respondents

Appeal filed on: 18/02/2015

Decided on: 14/11/2016

ORDER

1. The Appellant Bharat Tukaram Hoble herein in exercise of his right under section 6(1) of Right To Information Act (Act for Short) by his application dated 15/09/2014 addressed to the Director, Directorate of Panchayat, Panjim-Goa sought certain information at point 1 to 9 as stated therein in the said application.
2. The Deputy Director of Panchayat vide his letter dated 17/09/2014 transferred the same to Village Panchayat Secretary, Public Information Officer (PIO), Village Panchayat Santa Cruz Goa under section 6(3) of the Right to Information Act (RTI Act).
3. As the Respondent No. 1, Public Information Officer (PIO) failed to provide him the information, the Appellant therefore preferred Appeal before the Block Development Officer being First Appellate Authority (FAA) on 05/11/2014 and the FAA passed an order dated 12/01/2015 directing Respondent PIO to provide the complete information with reference to the application of Appellant dated 15/09/2014 within 10 days free of cost from the date of order.
4. Since the order for the FAA was not complied by the Respondent PIO and as the information was not provided to him, the Appellant filed the present second Appeal on 18/02/2015 under section 19 (3) of RTI Act seeking

directions as against Respondent PIO for furnishing the information and for Penal and disciplinary action against Respondent PIO.

5. In pursuant to the notice the Appellant appeared in person and on behalf of Respondent No. 1 PIO the present PIO Shri Hanumant Borkar alongwith then PIO, Shri Babu Naik was present.
6. The present PIO Shri Hanumant Borkar volunteered to furnish the information to Appellant and accordingly the said information was furnished to the Appellant on 27/06/2016. And the appellant was directed to verify the information and to report to this Commission. On subsequent date the Appellant submitted that the information furnished to him is incomplete and incorrect and not satisfied with the information. The present PIO Shri Hanumant Borkar again showed his willingness to furnish the information to the Appellant as per his requirement and sought assistance of the Appellant, accordingly additional information was furnished to the appellant on 25/07/2016.
7. The Appellant on subsequent dates of hearing submitted that information which is provided to him is as per his requirement and to his satisfaction. However, he further submitted that since the information has been furnished to him almost after one and ½ year a great injustice have been caused to him and has defeated the very purpose of seeking the information, he prayed for invoking section 20 (1) of RTI Act as against then Secretary of Village Panchayat of Santa Cruz, Mr. Babu Naik accordingly he filed application on 8/08/2016 incorporating above facts.
8. Since then PIO Shri Babu Naik was present, the copy of the said application was furnished to him and was directed to file on the same. The then PIO also waived the notice of showcause and undertook to file his say on showcause /application filed by Appellant under penal provision as contemplated under section 20 should not be invoked as against him.
9. The then PIO Shri Babu Naik filed his reply on 06/10/2016 on the application of the Appellant dated 08/08/2016. In the said application he has tried to assign some reason for the delay in furnishing the information. However, the said is not supported by any documents.
10. I have scrutinized the records available in the file and also consider the arguments advanced by both the parties.
11. It is seen from the records that there was directions given by the FAA to furnish the documents within 10 days. The documents only came to be furnished to the Appellant on 27/06/2016 during the proceedings before this Commission by the present PIO.
12. Once the order is passed by the FAA who is senior in rank then PIO, it was abundant duty of the PIO to abide by his direction. However, in utter disregards to the said order PIO again failed to provide information sought for once the order is passed.

13. 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. 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 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 transparence and accountability in public authority and the PIO's are duty bound to implement the Act in true spirit.***
14. If the correct information was furnished to the Appellant in the inception he would have saved her 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, then PIO had taken prompt and given correct information such harassment and detriment could have been avoided.
15. 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
16. There is delay of approximately 20 months and 27 days in furnishing the information. The order of FAA have not been complied, there by deliberately neglected to provide required information which is again to the contrary to the mandate of RTI Act. The reason for delay have not been explained sufficiently visa vis the document.
17. 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.
18. In the circumstances considering the conduct of Respondent No. 1, then 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, then PIO is directed.

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

ORDER

- 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) Respondent No. 1, then PIO, Shri Babu Naik is hereby directed to pay Rs. 10,000/- penalty.
- c) Respondent No. 1, then PIO, Shri Babu Naik is hereby directed to pay compensation of Rs. 5000/- to the Appellant.
- d) The aforesaid total amount payable as penalty and compensation shall be deducted from the salary of the PIO in three equal installments and the penalty amount shall be credited to the Government Treasury and the compensation be deposited in this Commission for onward payment to the Appellant.

Copy of this order be sent to Director of Accounts, Panaji and Director of Panchayat, Panaji for information and implementation.

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.