

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal 26/SIC/2015

Shri Bharat Tukaram Hoble,
Residing At H. No. 409,
Baman Bhat, Mercedes, Tiswadi-Goa

.....Appellant

V/s.

1. The Public Information Officer (PIO),
Village Panchayat Secretary,
Village Panchayat of Santa Cruz,
Santa Cruz, Tiswadi, Goa-403 005

2. The First Appellate Authority (FAA),
Block Development Officer ,
Tiswadi Block, Panaji-Goa 403 001

.....Respondents

Appeal filed on: 18/02/2015

Decided on: 14/11/2016

ORDER

1. The Appellant Shri Bharat Tukaram Hoble by his application dated 14/08/2014, filed under section 6(1) of Right To Information (RTI) Act 2005 sought certain information from Respondent No. 1 PIO, Village Panchayat of Santa Cruz, Santa Cruz Tiswadi Goa at point No. 1 to 16 with regards to the plot number 16 of survey number 23/03 of quirbhat at Cujira village in Tiswadi Taluka. Since the Respondent No. 1 PIO failed to reply the same and furnish the information within stipulated period of 30 days, the Appellant preferred 1st Appeal on 24/09/2014 before the Respondent No. 2 Block Development Officer. And Respondent No. 2 by an order dated 12/01/2015 dismissed the said Appeal by coming to the conclusion that Respondent No. 1 PIO has already furnish whatever information that was available in the record to the Appellant.
2. Being aggrieved by the order of the Respondent No. 2 FAA the present second appeal came to be filed before this Commission on 12/02/2015 seeking direction to quash and set aside the impugned order dated 12/01/2015 and also seeking as against Respondent No. 1 PIO to furnish the information as sought by him free of cost and for invoking the penal provisions.
3. Notice of the appeal was served on the Respondents pursuant to which the present PIO Shri Hanumant Borkar alongwith then PIO Shri Babu Naik appeared. And filed reply on 25/07/2016 annexing thereto the entire

information. The copy of the said reply and the information was furnished to the Appellant and he was directed to verify the same and report whether the entire information as sought by him has been received.

4. On the subsequent date the Appellant submitted that he is satisfied with the information which is furnished to him only after one and half year and as such the maximum penalty to Rs. 25000 be imposed on the Secretary of Village Panchayat of Santa Cruz Shri Babu Naik as per section 20(1) of RTI Act for malafiedely denying the request for information and also to recommend disciplinary action against him. He accordingly filed the application dated 08/08/2016. The copy of the same was furnished to Respondent No. 1 PIO then PIO Shri Babu Naik, who waved the notice to Showcause and who filed their reply of 06/10/2016.
5. Arguments of both the parties were heard.
6. In his arguments the Appellant submitted that though the information is furnished now there is prima facie case against Respondent No. 1 PIO as though the application was filed on 14/08/2014, the reply was given only on 27/06/2016 after the delay of one and ½ years he further pointed out the reminder letter made by him dated 15/09/2014 requesting to furnish the said information which was sought by him by his application dated 14/08/2014. He further pointed out his letter which was addressed to Respondent No. 2 FAA dated 05/11/2014 informing that the information furnished to him which was supplied to him on 27/10/2014 was not properly given. He further submitted that the Respondent No. 2 FAA have passed the order on 12/01/2015 without considering the said letter. According to him Respondent No. 1 PIO has deliberately not provided him the information inspite of the records being available in the office of the Respondent No. 1 PIO. As such the Respondent No. 1 PIO is liable for penalty under section 20(1) and (2) for not providing the information.
7. The Respondent No. 1, then PIO Shri Babu Naik in his argument submitted that pursuant to the notice of this appeal the entire information have been furnished. He further have submitted that due overload of the work in his office and as there was audit preparation, he was busy and could not furnish the information to the appellant he further submitted that in addition to his work as Secretary he was deployed at the Office of Directorate of Panchayat and as such the information could not be furnished in time. He submitted that there is no malafide intention in denying the information to the Appellant.
8. I have perused the records, including the pleadings. I have also considered the submission of the parties.
9. It is seen that to the application filed by the appellant under section 6(1) the PIO has not bothered to reply the same leave aside furnishing the information. Despite of the reminder he was adamant in not providing information to the appellant. From the conduct of the PIO it can be inferred that PIO has no concern to his obligation under the RTI Act.
10. The information came to be provided only on 25/07/2016 before this Commission there is delay in furnishing the information. The reasons for the delay have not been sufficiently explained by then PIO.
11. 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 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.

12. It appears initially incomplete and incorrect information was provided. This could be seen from additional reply/information filed on 06/10/2016.
13. 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.
14. 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.
15. 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 compensation as prayed by the Appellant.
16. Since the information is now provided to the Appellant which is to his satisfaction no intervention is required as far as prayer (a) of appeal memo.
17. 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) The then PIO, Shri Babu Naik shall pay Rs.5,000/- (Rupees Five Thousand Only) as penalty to be deducted in two installments.
 - c) The aforesaid total amount payable as penalty shall be deducted from the salary of the PIO in two equal installments and the penalty amount shall be credited to the Government Treasury.

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.