

**GOA STATE INFORMATION COMMISSION AT PANAJI  
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

**Appeal No.24/ SCIC/2016/**

Shri Vijaykumar Verlekar,  
H.No.1028, Escrivao Waddo,  
Candolim, Bardez-Goa.

.....Appellant

**V/s.**

1. The Public Information Officer,  
**Village Panchayat Candolim,**  
Candolim, Bardez-Goa.

.... Respondent

**CORAM:**

**Smt. Pratima K. Vernekar,** State Information Commissioner

**Appeal filed on : 08/02/2016**

**Decided on : 22/06/2016**

**ORDER**

1. By application dated 28/09/2015 the Appellant Shri Vijaykumar Verlekar had sought certified copy of Panchanama about illegal construction in CRZ in Survey No.161/3 situated at Escrivao, Vaddo , Candolim which was inspected on 26/09/2015.
2. As the Respondent No.1 PIO failed to respond and furnish the document within the prescribe time frame, the Appellant filed first Appeal under Section 19 (1) of the Right to Information Act, 2005 before the 1<sup>st</sup> Appellate Authority i.e Block Development Officer I & II Bardez Goa . The First Appellate Authority passed and order on 28/12/2015 and thereby directed the Respondent No.1 PIO to furnish the required information requested vide application dated 28/09/2015 within 10 days from the date of passing the order.
3. Since the order of First Appellate Authority was not complied by the Respondent No.1, PIO the Appellant approaches this Commission with present Appeal on 08/02/2016 with the prayer for direction to furnish the information and to take/initiate action under section 20 of Right to Information Act, 2005.

4. The notice were served on the Appellant as well as on the Respondent No.1 PIO. During the hearings the Appellant along with Adv. Balaji Mayekar present. The Respondent No 1 PIO though served remained absent. In spite of granting opportunity to Respondent No.1 failed to file his say and hence the Arguments were heard of the Appellant.
5. In the absence of any specific defence or explanation by the PIO this Commission proceeded for the disposing of the Appeal based on material on record.
6. On scrutiny of the file it is seen that to the application filed by Appellant u/s 6 the PIO has not bothered to reply the same, leave aside furnishing of the information. In the first Appeal filed before FAA the observation was made by it that in spite of notice the PIO had remained absent. The said order also reveals that the Respondent No 1 PIO also did not file reply before the First Appellate Authority in 1<sup>st</sup> Appeal and then said Appeal was decided based on the Appeal memo on 28/12/2015.
7. The same is the case in the present Appeal. It is seen from the record that order was passed on 28/12/2015 by FAA and till date the same have not been complied with by the Respondent No.1,. From the conduct of the PIO it can be clearly inferred that the PIO has no concern to his obligations under the RTI Act. It is also clear that the PIO has no respect to abide the orders passed by his senior officer. Irresponsive attitude of the PIO is further evident from lack of participation in this Appeal in spite of service. PIOs plays a vital role in the entire process of parting information under the Act. The conduct of PIO herein is condemnable. PIO should always keep in mind that their services are taken by Government to help the people of state in particular and people

of country at large. They should always keep in mind that objective and purpose for which the said Act came into existence. RTI Act main object is to bring transparency and accountability in public authorities and that PIOs are duty bound to implement the Act in true spirit. The conduct of PIO herein appears to be suspicious and adamant vis a vis the intent of the Act in bringing transparency in the affairs.

8. It is apparent from the records that PIO is guilty of not furnishing the information within time specified. From the provisions of RTI Act it indicates that the entire responsibility in matters of providing information sought rest on PIO and non compliance of mandated makes PIO liable for punitive action. In the present case the PIO shown disrespect towards FAA and towards this Commission as he deliberately failed to remain present before respective authorities despite of due service. The material on record also shows the PIO, Respondent No.1 did not take diligent steps in discharging his responsibility under RTI Act
9. Considering above conduct of PIO this Commission comes to the conclusion that the PIO has not furnished information within time there by making him liable for penal section under the Act. Hence, this Commission hereby passes the following:

### **ORDER**

The following order is passed.

- (i) The Respondent No.1 PIO hereby directed to furnish the information as sought by the applicant vide letter dated 28/9/2015.
- (ii) Issue notice to PIO to show cause as to why penal action as contemplated u/s 20 of the Right to information Act, 2005 should not be initiated against him.

(iii) As to why he should not pay compensation to the Appellant for inconvenience and hardship caused to the Appellant.

**10.** The said Show Cause Notice should be served on PIO through Block Development Officer of Bardez Goa.

**11.** The PIO Respondent No.1 shall personally present himself before this Commission on 15/07/2016 along with written reply to said notice. Order to be communicated to the parties.

Pronounced in open proceedings.

Sd/-

**(Pratima K. Vernekar)**

State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa