

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal 24/SIC/2015

Shri Advocate Sakharay U. Naik,
4th floor, Neelkamal Arcade,
Panaji-Goa, 403001

.....Appellant

V/s

1. PIO, Village Panchayat Secretary,
Village Panchayat of Santa Cruz,
Santa Cruz, Tiswadi-Goa, 403005
2. Block Development Officer,
First Appellate Authority (FAA),
Tiswadi-Block, Panaji-Goa, 403001

.....Respondents

Appeal filed on: 18/02/2015

Decided on: 14/11/2016

ORDER

1. The Appellant Advocate Sakharay U. Naik herein in exercise of his right under section 6(1) of Right To Information Act (Act for Short) by his application dated 01/11/2014 sought certified copies of
 - a) Minutes of the meetings held in the month of January 2014, February 2014, March 2014, April 2014, May 2014, June 2014, July 2014, August 2014, September 2014 and October 2014
 - b) Resolutions passed by the Panchayat from January, 2014 till 31st October, 2014 from Respondent, Public Information Officer (PIO), Village Panchayat of Santa Cruz, Santa-Cruz-Goa.
2. It is case of the Appellant that Respondent Public Information Officer (PIO) refused to accept the charges/fees towards the certified copies and also refused to provide the information inspite of he visiting the office of PIO on three occasion.
3. As the Respondent No. 1 failed to provide him the information, the Appellant therefore preferred Appeal before the Block Development Officer being First Appellate Authority (FAA) on 16/12/2014 and the FAA passed an order on 14/01/2015 directing Respondent PIO to provide the complete information with reference to the application of Appellant dated 01/11/2014 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.
7. The Appellant on subsequent dates of hearing submitted that inspection of the minutes book was given to him and the 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. The then PIO Shri Babu Naik who was present waved the notice of Showcause and he was furnished with application of Appellant.
8. 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 are not supported by any documents.
9. I have scrutinised the records available in the file and also consider the arguments advanced by both the parties.
10. 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.
11. Once the order is passed by the FAA who is senior in rank then PIO, it was abandon 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.
12. Material on record also shows that the PIO, Opponent 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 transparence and accountability in public authority and the PIO's are duty bound to implement the Act in true spirit.*
13. If the correct information was furnished to the Complainant in the inception he would have saved 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. There is delay of about 1 year and 10 months. The Opponent despite of reminders after the order of FAA have failed and deliberately neglected to provide required information which is again to the contrary to the mandate of RTI Act.
16. There is delay of about 1 and 1/2 month. The reason for delay have not been explained sufficiently visa vis the document.
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) The then PIO, Shri Babu Naik shall pay Rs.5,000/- (Rupees Five Thousand Only) as penalty to be deducted in three installments.
 - c) The then PIO, Shri Babu Naik shall also pay to the Appellant a sum of Rs. 5000/- (Rupees five thousand Only) as compensation.
 - 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.

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.

Appeal dispose of accordingly proceeding closed.

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

