GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor,
Patto, Panaji – Goa

Complaint No:103/SIC/2011/ 1070

Complainant:
ChokaChodankar,
Assagao, Bardez-Goa
V/s
Respondent:
PIO V.P Secretary,
V.P Assagao, Bardez-Goa

State Information Commissioner: Juino De Souza

Relevant emerging dates:

Date of Hearing : 15/02/2016

Date of Decision : 15/02/2016

RTI application filed on : 15-04-2011

Second Appeal filed on : 03-06-2011

Goa State Information Commission Panaji - Goa

O R D E R

1. BRIEF FACTS OF THE CASE are that Mr. Choka Chodankar filed an application dated 15/4/2011 seeking information of the number of persons who were given NOC's for retail and wholesale selling of liquor in the Village Panchayat of Assagao and whether the houses given the NOC's are legal or illegal and to give their addresses.

2. During the hearing the Respondent PIO, Secretary, VP ASSAGAO submits letter No. VP/ASS/2015-16/1530 dated 15/2/16 notifying the death of the complainant which is taken on record. He further submits that the applicant had not attached Rs.10/- court fee stamp on application which is mandatory as per Goa Right to Information (Regulation of Fee and Cost) Rules. The PIO also submits that the application was illegible and therefore the Complainant was told to inspect the concerned files to his satisfaction.

3. Mrs. Sapana Chodankar, daughter –in-law of the Complainant Mr. Choka Chodankar is present in person and submits that the complainant who is her father-in-law has expired on 31/10/2014. She furnishes copy of the death certificate which is taken on record.

4. She further submits that she cannot attend to the proceedings and requests that the proceedings be closed and accordingly makes an endorsement on the appeal memo accordingly.

5. The Commission observes that Regulation 24 of the Central Information Commission (Management) Regulations 2007 under section 12(4) of the RTI ACT 2005 states that 'proceedings pending before the commission shall abate on the death of Appellant/ Complainant' however 'THE HIGH COURT OF DELHI vide its Judgment delivered on: 21.05.2010 in WP (C) 12714/2009 has held that such Regulations are ultra vires the RTI act.

6. It is observed that as per the UTTAR PRADESH RIGHT TO INFORMATION RULES, 2015 Rule 13(3). Andhra Pradesh Information Commission Management Regulations 2007 in Regulation No 21 and Rule 35 of Jammu and Kashmir Right to Information Act, 2009 (Act No. VIII of 2009) state that the proceedings pending before the commission shall abate on the death of the Appellant/ Complainant.

7. It is pertinent to note that no such rules are prescribed under Goa State Right to Information Rules. Nevertheless it is the opinion of this commission that Right to Information (RTI) is a personal right of the information seeker and therefore cannot devolve on the heirs or to anyone else. In fact RTI is not a material thing to be passed on the legal heir or anybody else as a right to inherit as if it is a property. The legal heir or any other interested person can make a fresh application asking for the same information. Hence this Commission is of the considered view that the proceedings abate on death of the complainant.

Order passed accordingly. The Complaint stands closed. Matter is disposed of. Pronounced in open court. Authenticated copies of Order be given to the parties free of cost.

Sd/-

JUINO DE SOUZA

State Information Commissioner

Under Secretary
Goa State Information Commission
Panaji - Goa.