

**BEFORE THE GOA STATE INFORMATION
COMMISSION**
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.
CORAM: Shri. Prashant S. P. Tendolkar,
State Chief Information Commissioner
Smt. Pratima K. Vernekar,
State Information Commissioner

Complaint No. 23/SIC/2014

Shri Jawaharlal T. Shetye,
C/o. Mapusa Jana Jagruti Samiti,
H. NO.35, Ward No.11,
Khorlim, Mapusa-Goa.
V/s

..... Complainant

Public Information Officer,
Mapusa Municipal Council,
Mapusa –Goa.

..... Opponent

Filed on: 25/06/2014

Decided on: 19/07/2016

1) The Complainant had applied on 18/02/2014 under section 6 of the Right to Information Act (herein after referred to Act) to the Public Information Officer, Mapusa Municipal Council, Mapusa Goa certain information with regard to his representation dated 06/01/2014 and sought information at point No. 1 to 5 as stated therein in the said application.

2) As the Respondent No.1 PIO failed to respond and furnish the document within the prescribed time the complainant filed first appeal under section 19(1) of the Act before the FAA i.e. the Director of Urban Development on 10/04/2014. The FAA passed an order on 25/04/2014 allowing the appeal of the complainant, thereby directed the Respondent No.1 PIO to furnish the information requested vide said letter dated 18/02/2014, free of cost. The said order reveals that the Respondent PIO vide their letter dated 24/04/2014 requested for 10 days time to furnish the required information.

3) Since, the order of FAA was not complied by the Respondent No.1 PIO the complainant approaches this Commission on 25/06/2014 with the present complaint with the prayer for direction to furnish the information free of cost and to initiate action under section 20(1) , 20(2) of the RTI Act.

4) The notice were served on the complainant as well as the Respondent No. 1 PIO. During the hearing the Complainant was present in person and the Respondent No.1 PIO Shri Raju Gawas was present alongwith APIO Shir Vinay Agarwadekar.

5) in the course of hearing on 18/03/2016 Respondent No.1 PIO Shri Raju Gawas, undertook to furnish the required information to the complainant which came to be filed before this Commission on 05/04/2016 and the copy of the same was furnished to the Complainant.

6) Arguments were advanced by both the parties. During arguments the complainant submitted that he is satisfied with the information and prayed for the penalty proceeding.

7) Since, the information is furnished, the prayer "A" becomes in fruituous and as such no intervention of the Commission is required as far as prayer "A" is concerned.

As far as other prayers are concerned, on the scrutiny of the file it is seen that the application filed by the initial under section 6 of the Right to Information Act. PIO has not bothered to reply the same, leave aside furnishing information. Further it is seen from the records that inspite of undertaking to furnish information within 10 days form 25th April, 2014, the same was furnished only after this appeal on 05/04/2016, i.e. after almost 2 years. 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 the Senior Officers too or to adhere to his undertaking before him. PIO should always keep in mind that their services are taken by the Government to help the citizen. They should keep the objective and the purpose for which the said Act came into existence. RTI Act main object is to bring transparency and accountability in public authorities and PIO 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 brining transparency in the affairs.

8) It appears 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 mandate makes PIO liable for punitive action as contemplated u/s 20(1) and (2) of the Act. The material on record also shows the PIO, Respondent No.1 did not take diligent steps in discharging his responsibility under RTI Act.

Considering above conduct of PIO this Commission prima facie find that the PIO has not furnished information within time there by making him liable for penal action under the Act. Hence, this Commission hereby passes the following:

ORDER

Issue notice to PIO to Show Cause as to why action as prayed for by complainant and contemplated u/s 20(1), 20(2) of the Right to information Act, 2005 should not be initiated against him to be served through Director of Municipal Administration.

The PIO shall personally present himself before this Commission on 05/08/2016 at 10.30 am alongwith written reply. Order to be communicated to the parties.

Pronounced in open proceedings.

Sd/-
(Prashant S. P. Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji –Goa

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