

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. 46/SIC/2014

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

..... Complainant

V/s

Public Information Officer,
The Chief Officer (Shri Raju Gawas),
Mapusa Municipal Council,
Mapusa –Goa.

..... Opponent

Filed on: 26/12/2014
Decided on: 19/07/2016

1) The brief facts of the case are that the complainant, filed 2 application under section 6 of the Right to information Act, one on 26/08/2014 seeking information in respect of point No. 1 to 4 therein and another on 05/08/2014 at point NO.1 to 5 therein with the Public Information Officer Mapusa Municipal Council Mapusa –Goa with regards to representation dated 08/08/2014 made by Smt. Bibijan Sunkad.

2) As the Respondent NO.1 PIO failed to respond and furnish document within the prescribed time frame the complainant herein filed 2 separate appeal under section 19 of the RTI Act, 2005 before 1st appellate authority i.e. the Director of Municipal Administration, Collectorate Building, Panaji on 23/10/2014. The Respondent No. 2 First Appellate Authority (FAA) passed 2 separate orders one, dated 20/11/2014 and other dated 27/11/2014, in the above 2 appeals filed before them directing Respondent NO.1 PIO to furnish the information free of cost.

3) Since the order of the FAA was not complied by the Respondent No.1, the complainant approaches this Commission with the present compliant seeking prayer for directions to furnish the information and to initiate action against the respondent NO.1 under section 20(1) and 20(2) of RTI Act 2005.

4) The notice were served on the complainant as well as the Respondent No.1. During the hearing the complainant present in person and the present PIO Shri Raju Gawas alongwith Vinay Agarwadekar appeared on the behalf of Respondent No.1. The Respondent No.1 Shri Raju Gawas volunteer to furnish the information to the complainant to which the complainant agreed.

5) On 21/03/2016 reply came to be filed by Respondent No.1 PIO informing this Commission that information has been already furnished to the complainant vide their office letter No.TAS-I-2020-2016 dated 07/03/2016 and enclosed a Xerox copy of the said letter. It is seen that the said information is provided with reference to the application of the complainant dated 26/08/2014. The Respondents however remained silent on the other application dated 05/08/2014. No clarification could be obtain in regards to the said application as the applicant failed to remain present before this Commission for subsequent hearings.

6) The arguments of the complainant were heard on 13/06/2016 and opportunity given to the PIO to file his written arguments with advance copy to the complainant. During the arguments the complainant submitted that in terms of the prayer (1) of the complaint he has received information.

7) Due to continuous absence of Respondent NO.1 PIO this commission had to decide the present complaint based on the material on record. On scrutiny of the file it is seen that to the applications filed by complaint under section 6 the PIO has not bother to reply the same , to leave aside furnishing of information. It is also seen from the records that the respondent has failed to appear before the FAA nor filed their reply before the First appellate authority and the said fact is reflected in the orders of FAA dated 27/11/2014 and on 20/11/2015. It is also evident from the records though the orders were passed in the year 2014 by the FAA, till date the same has not complied with by the Respondent NO.1 PIO. From the conduct of PIO it can be clearly inferred that the Respondent NO.1 PIO has no concerned under the RTI Act. It is also very clear that the from

lack of proper participation in this complaint and it appeared that he also took very casual approach during the present proceeding. Hence the conduct of PIO herein is condemnable. PIO should keep in mind that the services are taken by the Government to help the people of state in particular and people at country at large. They should always keep in mind that main object of RTI Act is to bring transparency and accountability in public authorities and that the PIOs are due to bound to implement the act in through sprit.

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 also PIO has shown disrespect towards FAA and towards Commission and deliberately failed to remain present before respective Authorities. The material on record also shows the PIO, Respondent No.1 did not take diligent steps in discharging his responsibility under RTI Act. It is hereby observed by this Commission that the information is still not furnished to the complainant in respect of his application under section 6 of RTI Act dated 08/08/2014.

9) There is a delay of about 1year 3months 8 days in furnishing the information in respect of his application dated 26/08/2014. The Respondent No.1 PIO has not explained the delay nor given any reasons for the delay in their reply. The reply also filed in a very casual manner.

10) 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 action under the Act. Hence, this Commission hereby passes the following:

ORDER

Issue notice to PIO to Show Cause as to why action as contemplated u/s 20(1), 20(2) of the Right to information Act, 2005 should

...4/-

not be initiated against him returnable on 05/08/2016 at 10.30 am Such notice to be served through Director of Municipal Administration, Panaji – Goa.

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

Complaint No.46/SIC/2014

Goa State Information Commission,
Kamat Towers,7th floor, Patto,
Panaji –Goa.

Dated: 20/07/2016.

To,

- 1) Shri Jawaharlal T. Shetye,
C/o. Mapusa Jana Jagruti Samiti,
H. NO.35, Ward No.11,
Khorlim, Mapusa-Goa. Complainant
- 2) Public Information Officer,
The Chief Officer (Shri Raju Gawas),
Mapusa Municipal Council,
Mapusa –Goa. Opponent

Sub: Order in Complaint No. 46/SIC/2014

Sir,

I am directed to forward herewith copy of the Order passed by the Commission in the above referred matter for information and necessary action at your end.

Yours faithfully,

Encl: Copy of Order.

(Dasharath M. Redkar)
Under Secretary cum Registrar
Goa State Information Commission

