

GOA STATE INFORMATION COMMISSION
Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Complaint No. 09/SCIC/2014

Shri William Alfred Borges,
R/o. E-37, Near the church,
Nuvem, Salcete-Goa, 403 604

.....Complainant

V/s

1. The Public Information Officer (PIO),
Goa Industrial Development Corporation,
EDC, Complex, Patto, Plaza, Panaji.

2. The First Appellate Authority,
Goa Industrial Development Corporation,
EDC Complex, Panaji-Goa

.....Opponents

Complaint filed on: 27/02/2014
Decided on: 24/05/2016

ORDER

1. Brief facts of the case are that the Complaint was filed by Shri William Alfred Borges on 27/02/2014 against the Respondent No. 1 Public Information Officer of Goa Industrial Development Corporation, Panaji for not furnishing the information sought by him vide his application dated 04/01/2013 and as against Respondent No. 2 First Appellate Authority for failing to dispose of his first appeal within the prescribed period of 45 days as contemplated under the Right to Information Act.
2. A fresh notices were issued to both the parties and the matter was taken up for hearing on 24th May, 2016. During the hearing, the Respondent No. 1, Shri C. F. Sequira submitted his application alongwith the death certificate of the Complainant duly certified by him and submitted that the original death certificate was produced by the wife of the complainant in the Office of Goa Industrial Development Corporation notifying that the Complainant had expired on 12/06/2015.

....2/-

3. 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' It is observed that Rule 13 (3) of UTTAR PRADESH RIGHT TO INFORMATION RULES, 2015. Regulation of Andhra Pradesh information commission management regulations 2007 and rule 35 of Jammu and Kashmir right to information Act, 2009 (Act No.VII of 2009) state that the proceedings pending before the Commission shall abate on the death of the appellant/complainant. 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 successors. 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 proceeding abate on death of the complainant. Hence notwithstanding the endorsement of the wife of deceased appellant, the proceeding cannot continue.

The proceedings disposed as abetted. The Complaint stands closed.

Copies of order be given to the Respondent 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 the order under the Right to Information Act 2005.

Sd/-

(Pratima K. Vernekar)

State Information Commissioner,
Goa State Information Commission,
Panaji-Goa