

**GOA STATE INFORMATION COMMISSION**

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**Appeal 141/2016**

Shri Dominic Noronha,  
H.No. 92 Dandvado Sirlim,  
Salcete Goa.

.....**Appellant.**

**V/s.**

1. The Public Information Officer (PIO),  
Secretary V.P. Dramapur Sirlim,  
P.O. Salcete ,  
Dramapur Salcete Goa

.. ..**Respondents**

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Appeal filed on: 28/07/2016**

**Decided on: 04/05/2017**

**ORDER**

1. The appellant Shri Dominic Noronha by his application dated 7/1/2016 filed u/s 6(1) RTI act sought information at point No. 1 to 3 as stated therein in the said application from the PIO, Secretary V. P. Dramapur, Sirlim.
2. The said application was responded by Respondent No. 1 PIO on 29/1/2016 thereby furnishing the information. at point No. 1 and 2 information in respect of Point No. 3 was denied to the appellant
3. Being not satisfied with the reply of Respondent PIO , the appellant preferred first appeal before the Block Development Officer Salcete Taluka, Margao being First appellate authority (FAA) and the Respondent No. 2 FAA by an order dated 14/3/16 allowed the appeal of the appellant and the respondent No. 1 PIO was directed to provide information free of cost within 7 days to the appellant in respect of Point No. 3 of his application dated 7/1/2016. The order

was passed by Respondent No. 2 FAA after hearing both the parties.

4. In pursuant to the notice of this Commission, Appellant appeared in person Respondents No. 1 PIO Shri Sanjeev Naik was present who filed reply on 21/3/2017.
5. On scrutinizing the records, it is seen that the order was passed by the Respondent No. 2 FAA on 14/3/2016 and till date the same has not been complied. PIO plays vital role in entire process of parting information under the Act . They should always keep in mind the objective and purpose for which the said act came into existence . The RTI act main object is to bring transparency and accountability in public authority and the PIOs are duty bound to implement the act in through spirit. From the provisions of the RTI Act, the entire responsibility in providing the information sought by appellant and non compliance of mandate, the PIO is liable for penalty.
6. The Supreme Court in State of U.P.V/s Raj Narain (1975) 4 SCC 248 observed :

“The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They entitled to know the particulars of every public transaction in all its bearings. The Right to know which is derived from the concepts of freedom to speech, though not absolute, is a factor which can, at any rate, have no repercussion on the public security. To cover with a veil of secrecy their common routine, denial is not in the interest of the Public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of partied and political or personal self-interest or bureaucratic routine. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption.”

7. The apex court in S.P. Gupta V/s Union of India AIR 1982 SC 149 has observed

“No democratic Government can survive without accountability and the basic postulate of accountability is that people should have information about the functioning of the Government, that an open society is the new democratic culture towards which every liberal democracy is moving and our society should be no exception. The concept of the open Government is the direct emanation from the right to know which seems to be implicit in the right of freedom of speech and expression guaranteed under Article 19(1) (a). Therefore, disclosure of information in regards to the functioning of the Government must be the rule, and secrecy an exception, justified only where the strictest requirement of Public interest so demands”.

8. In the reply dated 21/03/2017 filed by Respondent PIO before this commission at relevant para 3, the Respondent PIO had submitted that he has written to the directorate of Panchayat and BDO on 23/6/2015 seeking necessary guidance with regards to procedure of obtaining the CCTV coverage under RTI Act.
9. It is seen from the records that after the order of the first appellate authority, the very next date 15/3/2016 the PIO has made letter to CEO of Zilla Panchayat, Rai Margao, Goa for the appointment of the CCTV technical to assist him to provide the information at point No. 3 asked by the appellant, as their office had no any resource person to operate or access the CCTV system supplied by to Zilla Panchayat. It appears that the CEO of Zilla Panchayat have not extended his assistance to PIO as such he was unable to provide said information to appellant. Based on the above letter, I find that PIO has acted very diligently and tried to comply the order of the FAA. There is no cogent & convincing evidence on record to show that PIO has deliberately with malafide intention have not furnished him said information. As such the levy

of penalty is not warranted in the present case. I am in the opinion the ends of justice will meet with following order

Order

Appeal partly allowed .

The Respondent No. 1 PIO is hereby directed to comply with the order of the FAA dated 14/3/2016. And hereby directed to provide the information free of cost within 10 days from receipt of the order to the appellant in respect of point No. 3 of application dated 7/1/2016 of the appellant.

Pronounced during the proceedings. Notify the parties. Authenticates copy of the order was given by 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.

Pronounced in the open court.

Sd/-

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