

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 120/2017

Sushant Nagvekar,
H. No. C-312, Fondvem,
Ribandar-Goa 403006 .
V/s.

.....Appellant

1. Satyawar Bhivshet,
Assistant Commissioner of Excise-I,
Public Information Officer (PIO),
Office of the Commissioner of Excise,
Panaji-Goa.

2. Menino D'Souza,
Commissioner of Excise and First Appellate Authority (FAA),
Office of the Commissioner of Excise,
Panaji-Goa .

..... Respondents

CORAM:**Smt. Pratima K. Vernekar**, State Information Commissioner**Filed on: 3/08/2017****Decided on: 22/11/2017****ORDER**

1. The brief facts leading to present appeal are that the appellant Shri Sushant Nagvekar by his application , dated 6/2/17, filed u/s 6(1) of The Right to Information Act, 2005 sought certain information from the PIO of the Department of finance(Revenue and control), Secretariat, Porvorim, under three points as stated therein in the said application .
2. The PIO of Department of finance (R and C) then vide his letter dated 7/2/17 transferred the said application to the PIO of commissioner of excise who is the Respondent No.1 herein u/s 6 (3) of the RTI Act, 2005 .

3. The said application was responded by Respondent No.1 PIO on 24/2/17 thereby calling upon appellant to collect the desired information after depositing the required fees .
4. As the information at point No.2 (iii) as sought by him was not furnished , the appellant filed first appeal to the respondent No.2 being the first appellate authority on 2/3/2017.
5. The Respondent No. 2 FAA by order, dated 31/05/2017 dismissed the said appeal thereby upholding the say of PIO .
6. The appellant being aggrieved by said response of PIO and order of FAA, has approached this Commission on 27/07/2017 in this second appeal u/s 19(3) of the act with the contention that the information is still not provided and seeking order from this commission to direct the PIO to furnish the information at point No.2(iii) as sought by him vide application dated 6/2/17 as also for other reliefs.
7. Notices were issued to the parties, pursuant to which appellant as well as Respondent no. 1 PIO Shri Satyawan Bhivshet were present. Respondent PIO submitted that he does not desire to file reply .
8. Arguments were advanced by both the parties .
9. Respondent No.1 PIO submitted that as per their office procedure earlier, a note /proposal is put for appointment of legal counsel to defend the interest of the Department , however no any specific reasons are mentioned on said note/proposal for the appointment of lawyers in any particular case. He further contended that circular dated 20/7/11 issued by the Department of Information and publicity have been once again brought to the notice of their staff and their department have already started adhering to the instruction given in the said circular.

10. The appellant fairly admitted that he having carried out the inspection of files and that no any specific reason for appointment of lawyers or any specific details defining the interest of department are incorporated in the said Notes/Proposals. He contended that it was obligatory on the part of public authority to state reasons and/ or justification for allotment of Government pleader in terms of circular dated 20/7/11 issued by the director of information and publicity . He further submitted that Public exchequer is involved herein and as such he had sought the said information in larger public interest. He then fairly did not press for the said information and graciously waived the prayer of penalty sought as against respondent No.1 PIO.
11. The Right to Information Act is people friendly act and mandate of RTI Act is to provide the maximum information in order to bring transparence in the affairs of the public authorities, as such section 4(2) endeavors upon public authority to take steps in accordance with requirement of clause (b) of subsection (I) to provide as much as information suomoto to the public at regular interval through various means of communications, including internet, so that public have minimum resort to the use of this Act to obtain information. Section 4(b)(III) and 4(XVII)(d) of the RTI Act,2005 requires that procedure followed in decisions making process and reasons for its administrative or quasi judicial decisions should be informed/conveyed and it further requires to update these publications every year.
12. The PIO submitted that public authority is in process of taking steps for implementation of section 4 of the RTI Act,2005.
13. Considering the above submission , I am of the opinion that ends of justice will meet with following order.

Order

The Public Authority involved herein is hereby directed to comply with section 4 of the Right to Information Act, 2005 within two months from the date of the receipt of the order and to report compliance to this Commission.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the Order should be given to the parties 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.

Notify the parties.

Pronounced in the open court.

Sd/-

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