

**GOA STATE INFORMATION COMMISSION AT PANAJI
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

Appeal No.144/2016

Shri Nilesh Raghuvir Dabholkar,
H.No. 275/2,
Dabhol vaddo, Chapora,
Anjuna Bardez Goa.

.....Appellant

V/s.

1. The Public Information Officer,
Mamlatdar of Bardez,
Administrator of Devalayas of Bardez Taluka,
Government Building,
Mapusa Bardez Goa.

2. The Deputy Collector and S.D.M. of Bardez
First Appellate Authority,
Government Building,
Mapusa Bardez Goa.

.... Respondent

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Appeal filed on : 02/08/2016

Decided on :25/05/2017

ORDER

1. By application dated 28/03/2016 the Appellant Shri Nilesh Dabholkar had sought certain information from the PIO, Mamletdar of Bardez and Administrator of Devasthan at Mapusa, Goa who is the Respondent No. 1 herein.
2. It is the case of the appellant that the Respondent No.1 PIO failed to respond and furnish the document within the prescribe time period and he received receive the reply belatedly on 07/05/2016, informing him the said information was not available and he was called upon to carry out the inspection of the file maintenance of his office and to collect the available information.
3. Being not satisfied with the reply of the Respondent No. 1 PIO the appellant filed first appeal u/s 19(1) before the Dy. Collector

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of Bardez being First Appellate Authority on 10/4/2016 and the Respondent No. 2 First appellate authority passed an order on 16/06/2016 thereby directed the Respondent No.1 PIO who was the Administrator of Devasthan to call for the information for the concerned Devasthan and to provide the same to the appellant as per law within 15 days.

4. Since the order of First Appellate Authority was not complied by the Respondent No.1, PIO, the Appellant approaches this Commission with present Appeal on 02/08/2016 with the prayer for direction furnishing the information and for taking/initiating action under section 20 of Right to Information Act, 2005.
5. The notices were served on the Appellant as well as on the Respondent No.1 PIO. During the hearings the Appellant along with Adv. Porobo was present. The then PIO Shri Madhu Narvekar, and present PIO Shri Dasharath Gawas were present.
6. The Advocate for the appellant submitted that he required the said information on a priority basis in order to produce the same in criminal court and before the Police who are investigating the crime on the directions of J.M.F.C. The then PIO Shri Madhu Narvekar furnished the part of the information to the appellant during the course of hearing and sought time to furnish the remaining part of information.
7. As no remaining part of the information came to be furnished to the appellant, opportunity was given to the Respondent No. PIO to furnish the same and to file a reply. Despite of said fact as no information was furnished. The arguments of the appellant were heard. Advocate for Appellant submitted that the information at point numbers 1,5,7,8,,11,to 13,17,21,22,24,25,26 and 27 have been furnished to him. He also submitted that he is not pressing for the information at point numbers 9,10,14,15,,16,18,19,20 and 23 of his application dated 28/3/2016.

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8. During the argument Advocate for appellant submitted that only the part of the information pertaining to point No. 6 have been furnished to him by Respondent No 1 PIO he further submitted that the PIO had submitted the information for the year 1996 till 2014 though he had sought for the information from the year 1980 till 2016.
9. I have perused the records available in the file and also considered the submissions of parties.
10. On scrutiny of the file it is seen that the application filed by the appellant under section 6(1) PIO has not bothered to reply the same within time specified under the act. The reply dated 7/5/2016 is given in very casual manner. The order passed on 16/6/2016 by Respondent No. 2 First appealable authority was not complied till date by Respondent No. 1 PIO. The part of the information came to be furnished to the appellant only after the filing the first Appeal before Respondent No. 2 First appellate authority. From the conduct of PIO it can be clearly inferred that the PIO has no concern under the obligation under the Right to information Act. It is also clear that the PIO has no respect to abide by the order passed by his senior officer. PIO plays vital role in entire process of parting information under the Act. The conduct of PIO herein is condemnable. PIO should always keep in mind that their services are taken by Government to help the people of state in particular and people of country at large. They should always keep in mind that objective and purpose for which the said Act came into existence. RTI Act main object is to bring transparency and accountability in public authorities and that PIOs 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 bringing transparency in the affairs.
11. It is apparent from the records that PIO is guilty of not furnishing the information within time specified. From the provisions of RTI Act

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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. The material on record also shows the PIO, Respondent No.1 did not take deligent steps in discharging his responsibility under RTI Act. The PIO being Administrator of Devasthan could have made efforts to obtain the same from the concerned Devasthan. There is nothing on record to show that PIO after the order of the First appellate authority had written to said Devasthan and made efforts to secure the same. The act on the part of PIO is condemnable and against the mandate of RTI Act.

12. Considering above conduct of PIO this Commission comes to the conclusion that the PIO has not furnished full information within time there by making him liable for penal section under the Act. Hence, this Commission hereby passes the following:

ORDER

The following order is passed.

- (i) The Respondent No.1 PIO hereby directed to furnish the complete information as sought by appellant vide his application dated 28/3/2016 except for the point number 9,10,14,15,,16,18,19,20 and 23 Respondent No. 1 PIO is hereby directed to obtain the said information from Shri Sidheshwar Devasthan situated at Chapora Bardez Goa on priority basis and to furnish the same to the appellant within 15 days from the date of receipt of the order
- (ii) Issue notice to PIO to show cause as to why penal action as contemplated u/s 20 of the Right to information Act, 2005 should not be initiated against him.
- (iii) As to why he should not be made to pay compensation as contemplated u/s 19(8)(b) of RTI Act. to the Appellant for inconvenience and hardship caused to the Appellant.

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- (iv) The PIO Respondent No.1 shall personally present himself before this Commission on 14/06/2017 along with written reply to said notice. Order to be communicated to the parties.

Pronounced in open proceedings

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.

Sd/-

(Ms.Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa