

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

Appeal No.146/ SCIC/2015

Shri Caetano Monteiro,
r/o H.No. 112/C, Cuelim,
Mormugao, Goa.

.....Appellant.

V/s.

1. The Public Information Officer,
Village Panchayat of Cansaulim,
Arossim-Cuolim.

.... Respondent.

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Appeal filed on : 18/12/2015

Decided on : 30/8/2017

ORDER

1. By application dated 29/05/2014 the Appellant Shri Caetano Monteiro had sought certified copy of the proposal wherein the names of persons figures as to who has proposed to take up the works of reconstructions of the staircase near Crematorium in ward No. IX(9), Murdi under S.T. funds. The said information was sought under Right to Information Act .
2. As the Respondent No.1 PIO failed to respond and furnish the document within the prescribe time frame, the Appellant filed first Appeal under Section 19 (1) of the Right to Information Act, 2005 before the 1st Appellate Authority i.e Block Development Officer , Mormugao block Vasco Da Gama Goa on 12/1/15.
3. It is the case of the appellant that during the proceedings before first appellate authority Respondent PIO furnished only the copy of the resolution to him on 21/5/2015 and that no copy of a proposal was furnished to him.
4. The First Appellate Authority after hearing both the parties, passed and order on 20/11/2015 and thereby directed the Respondent No.1 PIO to furnish the required information requested vide application

dated 29//5/2014 within 15 days from the date of passing the order.

5. 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 18/12/2015 with the prayer for direction to furnish the information and to impose cost on the PIO .
6. The notice were served on the Appellant as well as on the Respondent No.1 PIO. During the hearings the Appellant present in person. The present PIO Sanmesh Sawant appeared and furnished the information to the appellant on 4/8/2017 before this commission vide covering letter dated 2/8/2017 .
7. Since the appellant was not satisfied with the information furnished to him and as he submitted that it is not a same proposal which he had sought vide his application dated 29/5/14, this commission in a interest of justice directed PIO to give the inspection of the relevant documents /files concerning the same subject matter which was also agreed by the appellant.
8. On a subsequent date the appellant submitted that he has carried the inspection of relevant files and he is satisfied with the information furnished to him on 4/8/17 by the present PIO. However he pressed for the penalty against then PIO for the delay in furnishing the information. According to him the then PIO has willfully with a malafide intention had delayed in furnishing the information.
9. I have considered the arguments of both the parties so also the records available in the file.
10. On scrutiny of the file it is seen that to the application filed by Appellant u/s 6 the PIO has not bothered to reply the same as required u/s 7 of Right to Information Act 2005,, leave aside furnishing of the information. It is seen from the record that order was passed on 20/11/15 by FAA and the same have not been complied with by then PIO within stipulated time of 15 days. From

the conduct of then PIO it can be clearly inferred that then PIO has no concern to his obligations under the RTI Act. It is also clear that then PIO has no respect to abide the orders passed by his senior officer. PIOs play a vital role in the 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. PIO 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 then 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 the PIO shown disrespect towards FAA. The material on record also shows then PIO, did not take diligent steps in discharging his responsibility under RTI Act.
- 12.** The records also shows what was furnished to the appellant on 21/5/15 by then PIO was a copy of the resolution and not a proposal which was sought by the appellant. The first appellate authority vide its order had directed him to furnish the certified copy of the said proposal which again then PIO failed to provide even though it was available in the records of public authority.
- 13.** Since now the information has been furnished as per the requirement and satisfaction of the appellant, I am of the opinion that no intervention of the commission is required as far as prayer for furnishing him information.

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

ORDER

1. Issue notice to then 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 for not responding the application of the appellant filed u/s 6 of the RTI Act within stipulated time of thirty days so also for not complying the order passed by the first appellate authority and for delaying the information.
2. The said Show Cause Notice should be served on then PIO through Block Development Officer of Mormugao block Vasco Da Gama Goa. And the present PIO is also hereby directed to serve the copy of the order of this commission on then PIO alongwith the copy of the notice.
3. The then PIO shall personally present himself before this Commission on 19/9/2017 along with written reply to said showcause notice u/s 20 of RTI Act.

Notify the parties.

Pronounced in open proceedings.

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.

Pronounced in the open court.

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

