

## **GOA STATE INFORMATION COMMISSION**

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

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

### **Appeal No. 184/SCIC/2012**

Shri Laximan Vithal Naik Govekar  
 R/o. H. No. A-71, Ambekhan  
 Verem, Reis Magos, Bardez, Goa  
 V/s.

...Appellant

1. Public Information Officer,  
 Mamlatdar of Bardez Taluka/AERO  
 for 7-Saligao Assembly Constituency,  
 Mapusa, Bardez-Goa
2. Smt. Neetal Amonkar,  
 Then Joint Mamlatdar of Bardez Taluka-III/  
 AERO for 7-Saligao Constituency,  
 (03/03/2008 to 10/06/2012),  
 Mapusa, Bardez-Goa

.....Respondent

**Filed on: 05/11/2012**

**Decided on: 29/11/2017**

### **ORDER**

1. By this Appeal the Appellant assails the order dated 27/08/2012 passed by the First Appellate Authority (FAA) incase No. 22/36/2012/LVNG/RTI, filed by the Appellant herein.
2. The Facts in brief arises in the present appeal are that the Appellant Shri Laxman Naik Govekar, the Appellant herein by his application dated 29/02/2012, sought information from Respondent No. 1 Public Information Officer (PIO) of the Office of Mamlatdar of Bardez on 5 points as stated therein in the said application. The said application was sought in excise of his rights under section 6(1) of the Right to Information Act 2005.
3. The said application was replied by PIO on 25/04/2012 informing the Appellant that the said entry has been deleted inview of Report of Booth Level Officer, part No. 28 for 07-Saligao Assembly Constituency.

4. A similar application under section 6 was also filed by the appellant herein on 24/04/2012 before the PIO of Election Commission of Goa which was transferred to the Deputy Collector of Mapusa vide letter dated 02/05/2012 which in turn was again transferred by Deputy Collector to AERO on 23/05/2012.
5. The application dated 24/04/2012 of the Applicant was again responded by the Respondent No. 1 PIO on 18/06/2012 and the Appellant was again informed that the entry has been deleted in view of report of Booth Level Officer, part No. 28 for 07-Saligao Assembly Constituency.
6. According to the Appellant since the information was not completely furnished to him he preferred 1<sup>st</sup> appeal before the First Appellate Authority (FAA) and the FAA by an order dated 27/08/2012 directed to provide relevant information within his custody to the Appellant within 20 days.
7. It is the contention of the Appellant that the Respondent PIO had not complied with the order passed by the FAA within the stipulated time and hence he was forced to approach this Commission by way of second appeal on 05/11/2012 under section 19(3) of the Right to Information Act 2005.
8. Present Appeal is filed seeking directions against Respondent PIO for furnishing him the complete information pertaining to 5 points and for invoking penal provision against Respondent PIO.
9. In pursuance of the notice of this Commission the Respondent PIO filed his reply on 14/03/2014 also an additional reply came to be filed by him on 01/04/2014 to the present appeal there by providing information at point No. 5 along with the copy of the new Electoral roll of 2011 of Assembly constituency of Saligao. It was also contended that Joint Mamlatdar (III) informed him vide letter dated 15/06/2012 that the said earlier entry has been deleted in view of the Report of Booth Level Officer.
10. The Appellant in the course of the appeal proceedings filed an amendment application on 05/05/2014 seeking

permission to add Mrs. Neetal Amonkar as Respondent No. 2 accordingly she was added as Respondent No. 2 in the Appeal proceedings by my predecessor.

11. On behalf of Respondent No. 2 a reply came to be filed by her Lawyer on 01/07/2014, 26/08/2014 and 20/06/2014 there by resisting the appeal.
12. It is contention of the Appellant while amendment application dated 5/05/2014 that Respondent wrongly deleted her name without request and failed to include her name despite order from Election Commission. It was his further case that he was denied the valuable democratic right to vote in Goa Legislative Elections and also in Panchayat Election where his brother was contesting the Elections. It is his further contention that Respondent No. 2 is therefore liable to pay appellant under Right to Information Act a penalty of Rs. 20,000,00 and also disciplinary action against her for breach of statutory duties casted on her.
13. It is contention of Respondent No. 1 PIO that he has never denied the information or troubled the Applicant and that the applicant name was reenrolled and same was informed to appellant on 14/03/2014. It was further submitted that the Report of Booth Level Officers is Joint and several, wherein the information of other electoral is also available and as such cannot be disclose since it may cause endanger to the life and safety of Booth Level Officers.
14. It was contended by the Respondent No. 2 that she was not PIO at the relevant time nor she was posted as AERO of Mapusa as on 23/04/2012 as such she claimed to be not concerned with regards to RTI application. She further contended that she resumed the post of Mamlatdar Bardez on 07/06/2012 and she was promoted vide Order dated 05/07/2012 as such she was not officiating as PIO on the date of passing of the Order.
15. I have peruse the documents available in the file. From the reply dated 25/04/2012 and 18/06/2012 given by the PIO's to the application of the Appellant, it is seen that PIO's have not replied pointwise. The said reply is given in casual

manner. The said procedure adopted by PIO is not in accordance with law. It is expected from PIO's to give pointwise replies and to furnish the information if available on record. Vide said reply, it is only informed that the entry has been deleted in view of the report of Booth Level Officer.

16. On perusal of the replies, it is seen that at point no. 1 the information seeker has sought for the application for request of deletion of his name under EPIC No. TVH0061366 at Sr. No. 5-28 from part No. 28. So also information at point No. 3 the Appellant has sought the copy of the notice and also details of the inquiry conducted by their Office. The same has not been furnished to him nor any specific reply to the said query have been given.
17. Information at point No. 2 comes within the exception under section 8(1)(j). So also Information sought at query No. 4 it does not come within definition of information.
18. Information at point No. 5 is furnished to the Appellant on 14/03/2014 in the course of present proceedings.
19. *The PIO's to always keep in mind that their services are taken by the Government to serve the people of state in particular and the people of country at large. They should always keep in mind that the objective and the purpose for which the said Act came into existence. The main object of RTI Act is to bring transparency and accountability in public authority and the PIO's are duty bound to implement the Act in true spirit.*
20. If the correct and timely information was provided to the Appellant, it would have saved valuable time and the hardship caused to him in pursuing the said Appeal before the different Authorities. It is quite obvious that the Appellant has suffered a lot of harassment and mental torture and agony in seeking information under the RTI Act which is denied to him till this date. If the PIO had given prompt and correct information such harassment and detriment could have been avoided.
21. It is seen from the records the 1<sup>st</sup> Application dated 29/02/2012 was responded by PIO on 25/04/2012. There is

an delay in responding the said application. However, as there is nothing on record to show that such lapses on the part of then PIOs are persistent a lenient view is taken in the present proceedings and any such lapses in future will be viewed seriously.

22. In the above given circumstance, I dispose the appeal with following order:-

**Order**

- a) The appeal partly allowed.
- b) Present PIO is hereby directed to provide pointwise information to appellant at point No. 1 and 3 of his application dated 29/02/2012.
- c) The then PIO are hereby admonished and directed to be vigilant henceforth while dealing with RTI matters.

Proceeding stands closed. 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 under the Right to Information Act 2005.

Sd/-

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

KK/-