

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal No.198/SIC/2012

Dr. (Ms) Kalpana V. Kamat,
Caldeira Arcade , 1st floor,
Bhutebhat Vasco Goa Appellant.

V/s.

1.Public Information Officer,
Marmugao Muncipal Council,
Vasco-Goa

2.The First Appellate Authority,
Director of Municipal Administration,
Panaji-Goa.Respondents.

Appeal filed on:17/12/2012

Decided on: 25/01/2017

ORDER

1. By an application dated 13/08/2012 from the appellant Ms. Dr. Kalpana Kamat sought from Respondent No. 1 Public Information Officer (PIO) of Mormugao Muncipal Council, Vasco-Da-Gama information at Sr. No. 1 to 15 as stated therein in the said application.
2. By reply dated 05/09/2012 the Respondent No. 1 PIO requested the Appellant Kalpana Kamat to collect the documents after making necessary payment of Rs. 4/-.
3. Appellant since not satisfied with the information furnished to her which was furnished to her after making necessary payment of Rs. 4/-, filed first Appeal before the Directorate of Municipal Administration, Panaji-Goa being First Appellate Authority (FAA) on 25/09/2012. By an order dated 22/11/2012 the Respondent No. 2 FAA directed Respondent No. 1 PIO to furnish the information

pertaining to queries at Sr. No. 13 and 14 of the RTI application within 7 days from the date of order.

4. Being not satisfied with order of the Respondent No. 2 FAA dated 22/11/2012 so also by the action of Respondent No. 1 PIO that despite of she visiting the Office of the PIO no information was furnished to her in compliance with the order of FAA, the present appeal came to be filed on December 2012. In the said appeal before this Commission the appellant has prayed for direction to the Respondent No. 1 PIO to furnish complete, correct information pertaining to point number 10,11,12,13,14 of the RTI application , for penalty and for compensation as against Respondent No. 1 PIO.
5. After notifying the parties matter was listed on board and taken up for hearing. Appellant was present in person and Respondent No. 1 PIO was represented by Advocate Pednekar, while Respondent No. 2 FAA remained absent. Reply was filed by Respondent No. 1 PIO on 06/08/2014 without enclosing copy of the information furnished to the Appellant.
6. Since, Advocate for the Respondent No. 1 PIO remained continuously absent, this Commission had no other option then to hear the arguments of the appellant.
7. A application was also filed by the Appellant on 15/12/2016 interalia informing this Commission that information at query No. 13 and 14 of RTI application dated 13/08/2012 have not been furnished to her.
8. During the arguments Appellant submitted that though the order was passed by Respondent No. 2 FAA directing PIO to provide information at Sr. No. 13 and 14 to her RTI Application within 7 days from the date of Order, till date the same is not furnished to her. She further stated that Respondent No. 1 PIO should be severely punished by invoking section 20(1) and 20(2) of the RTI Act for providing incomplete information to her.
9. It is seen from the order of the Respondent No. 2 FAA that order was passed after hearing both the parties at length. The Respondent No. 1 PIO have not assigned any reasons for not complying order of Respondent No. 2 FAA. The reply which came

to be filed before this Commission on 06/08/2014 is given in very casual manner without assigning any reasons or giving date on which the said information was furnished to the Appellant.

10. It is apparent from the records that PIO is guilty of not furnishing the information within time specified. From the provisions of Right To Information Act (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 and towards this Commission as he deliberately failed to remain present before respective authorities despite of due service. The material on record also shows the PIO, Respondent No.1 did not take diligent steps in discharging his responsibility under RTI Act.
11. Considering above conduct of 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

The following order is passed.

- (i) The Respondent No.1 PIO hereby directed to furnish the information as sought by the appellant at query at Sr. No. 13 and 14 of RTI application dated 13/08/2012.
- (ii) Issue notice to PIO to show cause as to why penal action as contemplated u/s 20 (1) of the Right to information Act, 2005 should not be initiated against him.
- (iii) Issue Showcause notice to Respondent PIO as to why Compensation as contemplated under section 19(8)(b) should not be paid to appellant for the inconvenient caused to her.

- (iv) The said Show Cause Notice should be served on PIO through Director of Municipal Administration, Panaji-Goa
- (v) Respondent No. 1. is hereby directed to remain present before this Commission on 22/02/2017 at 3.30. p.m. alongwith written submission showing why penalty should not be imposed on him. If no reply is filed by the Respondent No. 1, PIO it shall be deemed that he has no explanation to offer and further orders as made deemed feet shall be pass.
- (vi) In case the PIO at the relevant time, to whom the present notice is issued, is transferred, the present PIO shall serve this notice alongwith the order to him and produce the acknowledgement before the Commission on or before the next date fixed in the matter alongwith the full name and present address of the then PIO.

Pronounced in open proceedings.

Proceedings 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 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

