

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal No. 60 (A) /SIC/2014

Dr. (Ms) Kalpana V. Kamat,
Caldeira Arcade , 1st floor,
Bhutebhat, Mestawada, Vasco-da-Gama,
Goa- 403802 Appellant.

V/s.

1. Public Information Officer (PIO),
Marmugao Muncipal Council,
Vasco-Goa
2. First Appellate Authority,
Director of Muncipal Administration,
Panaji-GoaRespondent

Appeal filed on: 27/03/2014

Decided on: 19/05/2017

ORDER

1. The appellant, Dr. Kalpana Kamat vide her application dated 22/01/14 sought certain information as stated there in the said application from the Public Information Officer (PIO), Marmugao Muncipal Council, Vasco-da-Gama, who is the Respondent No. 1 herein.
2. The said application was replied by Respondent No. 1 Public Information Officer (PIO) on 21/02/14 there by calling upon the appellant to attend their office and to contact Vikesh Fadte for clarification in matter, in order to issue her information.
3. It is contention of the appellant that in pursuant to the letter, she visited Mormugao Municipal Council, Vasco-da-gama and

met Vikesh Fadte and gave clarification with respect to point no. 4, 5, 6 .

4. Since no inspection and the documents were provided to her within 30 days time despite of giving clarification, she approached the FAA (First Appellate Authority) on 25/02/14.
5. It is her further case that since she did not receive any decision from Respondent No. 2 first Appellate Authority (FAA), she preferred this present appeal on 27/03/14 with the prayers for inspection of various files and for furnishing her information. She also sought for prayer for imposing penalty and compensation to the Respondent No. 1 PIO.
6. In pursuant to the notice the appellant appeared in person. In the initial hearing Respondent No. 1 represented by Advocate Pednekar and by Advocate S. Naik.
7. Opportunity was given to Respondent PIO to file their reply. As no reply came to be filed on behalf of Respondent PIO and the First Appellate Authority (FAA) the arguments of the appellant were heard.
8. The appellant in the course of the arguments produced the copy of the order passed by the Respondent No. 2 FAA and her letter dated 17/04/14 addressed to the FAA (First Appellate Authority) and the letter dated 18/2/14 addressed to the appellant by the Assistant Public Information Officer (APIO) and submitted that the reply of APIO dated 18/2/14 doesnot specify the date of RTI application and since she has filed 4 to 5 RTI applications with the PIO she is unable to gather to which application the said reply was given. She also submits that in pursuant to letter dated 18/2/14 she visited office of the Respondent twice to inquire regarding the letter dated 18/2/14 and no one was aware of date of application to which the said reply was given.
9. It is further grievance that FAA without hearing her passed an order dismissing her appeal.

10. Since no reply was filed on behalf of Respondents, in the present proceedings, I hold that they have no say to be offered and averments made in the memo of appeal are not disputed by them.
11. I have perused the records available in the file. It is seen from the records that no proper and complete information have been furnished to the appellant on all points. Assuming for while the letter dated 18/02/14 which is relied by the Appellant is even if considered as reply to her application dated 22/01/14, the same has not been answered point wise. If one peruses the said reply it is seen that answers are given to only 6 points. The said letter has also no reference of the date of RTI application. There is nothing on record to show that the inspection of various files and the documents as was sought by the Appellant was given to the Appellant. The letter dated 18/2/14 has been given under the signature of APIO and not of PIO.
12. The PIO should always keep in mind that the objective and purpose for which the said Act came into existence. The main object of RTI Act is to bring transparency and accountability in the public authority. The PIO are duty bound to implement the act in true spirit. The conduct of PIO appears to be suspicious and adamant viza-viz the intent of RTI Act in bringing transparency in the affairs.
13. It is appears from the records that PIO has not given inspection of the relevant file nor furnished information within time specified under the Act. From the provision of the RTI Act it indicates that the entire responsibility in the matter of available information rests on PIO and non compliance of the mandate make PIO liable for punitive action.
14. Since the averments made in the memo of appeal are not disputed and reburtted by the Respondent PIO, the undersigned holds that the grievances of the appellant appears to be genuine and true.
15. Considering the above conduct of PIO this Commissions comes to the conclusion that he has not furnished information

within time making liable for penal provision under the Act. However since nothing has been brought on record to show that such lapses on the part of the Respondent PIO is persistent, this Commission takes a lenient view in the present case.

16. Hence the following order:-

ORDER

- a) The Respondent PIO is hereby directed to give correct pointwise reply to her RTI application dated 22/01/14.
- b) The Respondent No. 1 PIO hereby directed to give inspection of all the files pertaining to point No. 3 to 10 as sought by her vide said application dated 22/01/2014 within 15 days from the receipt of the order.
- c) The Appellant is hereby directed to identify the relevant documents from the said files which are required by her and the Respondent PIO directed to furnish copy of information to the appellant free of cost, within 15 days thereof by Register A. D.
- d) PIO is hereby directed to be vigilant hence forth while dealing with RTI matters any such lapse in future will be viewed seriously.

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/-

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

KK/-

