GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal No.127/2016

Antonio Bernardo Cost,
H.No. 511, Bollepand Fatordda ,
Margao,
Salcete Goa. ....Appellant

V/s.

1.The Public Information Officer,
Secretary, V.P. Cavelossim,
Office of V.P. Cavelossim,
Cavelossim Salcete Goa.

2.First Appellate Authority ,
The Block Development Officer,
Mathany Saldhana Administrative Complex.
Margao
Goa. ....Respondent

Appeal filed on: 8/07/2016
Decided on: 17/03/2017

O R D E R

1. The appellant herein Shri Anthonio Bernardo Costa by his application dated 29/03/2016. Filed under section 6(1) of Right to Information Act 2005 sought certain information from Respondent No. 1, Public Information Officer (PIO), Village Panchayat Cavelossim, Salcete-Goa under several points therein

2. The said application was not responded by the PIO within time and as such deeming the same as refusal Appellant filed first appeal before the first Appellate Authority (FAA), who is Respondent No. 2 herein on 20/05/2016. And the Respondent No. 2 FAA by an order dated 13/06/2016 directed the Respondent No. 1 to provide the information free of cost within 7 days from the date of order as sought by the Appellant.

3. Since order of Respondent No. 2 FAA was not complied by Respondent No. 1 PIO, the Appellant approached this Commission by way of 2nd appeal on 08/07/2016 in terms of section 19(3) under Right to Information Act (RTI Act) with a prayer as against Respondent PIO for furnishing the information and for invoking penal provision.

4. In pursuant to notice the Appellant present in person alongwith advocate F. Pereira and Respondent No. 1 present PIO, Shri Shashank Gausdessai present alongwith then PIO, Shankar Naik filed reply on 08/03/2017. First Appellate Authority was represented by Minino Dias on one hearing. However no reply was filed by Respondent No. 2 FAA.

5. Arguments of parties were heard. Considered the records available in the file. During the hearing the advocate for the appellant submitted that he has received the information from the present PIO on 18/02/2017 and that he is satisfied with the said information. He further submitted that his client i. e. appellant is the senior citizen and who has been made to approach different authorities in seeking the information. He further submits that information which came to be provided to him by post on 9/06/2016 was partly furnished and Respondent No. 1 have withhold the main information. The Advocate for the Appellant further submitted that since information sought was pertaining to Deputy Sarpanch, the Respondent No. 1 PIO willfully delayed to furnish the information and as such the harassment being meted out to the Appellant who is Sr. Citizen.

6. It is also the contention of Appellant that, the Respondent PIO has violated the provisions of the Act by not furnishing the information in time as such he should be penalize under section 20 of the Act and also due Compensation has to be awarded to him.

7. The Respondent No. 1 resists the appeal and submits that he has submitted all information which was available in Panchayat records at the relevant time to the appellant. He also submitted that at the relevant time he was Gram Sevak, Village Panchayat, Cavelossim, Salcete-Goa.

8. On perusal of records it is seen that Respondent PIO have not responded in writing to his initial RTI application filed under

section 6(1) of RTI Act. The Act on the part of the Respondent is in contravention against the mandate of RTI act. The said act came to existence to provide fast relief as such the time limit is fixed under said act to dispose the application under section 6(1) within 30 days. The acts of the Respondent No. 1 are condemnable. The Respondent No. 1 herein also failed to take into consideration the intent of RTI Act which came into force.

9. It is seen from the records the order was passed by the FAA on 13/06/2016 to furnished the information within 7 days however the appellant submitted that he has received the information on 18/02/2017 as such there is also delay in complying of the order of FAA.

10. It is quite obvious that the appellant have suffered lots of harassment and mental agony in seeking information. He has made to run from pillar to pole, lots of his valuable time is being spent on seeking the information. If Respondent No. 1, then PIO had taken prompt and given correct information such harassment and detriment could have been avoided.

11. Public Authority must introspect that non furnishing of the correct or incomplete information lands the citizen before FAA and also before this Commission resulting into unnecessary harassment of the common men which is socially abhorring and legally impermissible, therefore some sought of compensation helps in caring this social grief.

12. Considering the conduct of the Respondent No. 1 and their indifferent approach to the entire issue, I find some substance in the contention of the appellant. In the aforesaid circumstances, I proceed to dispose this appeal with the following order:-

ORDER

a) Since information is furnished to appellant by the Respondent No. 1, PIO on 18/02/2017 as per the satisfaction and requirement, no intervention of the Commission is required with regards to prayer (A).
b) Issue showcause to the Respondent PIO, Then PIO Shankar Naik as to why the penal action should not be taken against him for not

responding application under section 6 (1) of RTI Act within time and for not furnishing the information despite of direction of Respondent No. 2, FAA

c) Respondent No. 1 is hereby directed to remain present before this Commission on 17/04/2017 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.

d) 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 alonwith the full name and present address of the then PIO.

Pronounced in open proceedings.

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 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