

GOA STATE INFORMATION COMMISSION

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

Appeal No. 178/SCIC/2016

CORAM : Prashant S. Prabhu Tendolkar
State Chief Information Commissioner

Shri Antonio Coelho,
House no.1367/B,
Raia Damon Dumpa-Moli(W)
Raia Salcette,Goa.

..... **Appellant**

V/s

1. Public Information officer cum
Panchayat Secretary,
Village Panchayat Raia,
Salcette Goa.

2. Block Development Of Salcette,
Margao, Goa

..... **Respondents**

Filed on : 9/6/2016
Decided on : 4/4/2017

ORDER

- 1). This Commission while disposing above appeal by order, dated 15/12/2016, has directed the PIO as to why penalty as contemplated u/s 20(1) and 20(2) of The Right to Information Act 2005(Act) should not be initiated against him. In response to said notice the then PIO Shri Shrirang Agrasani filed the reply on 18/1/2017.
- 2) According to then PIO by his reply he submitted that he resumed charge as V.P. Secretary, V.P.Raia on 31/03/2016 and was his first posting as V.P. Secretary and that lot of work was pending. He had to visit Police Station and Vigilance Department in connection of

Financial misappropriation case against then Sarpanch Shri Isidorio Rodriguies in connection of organization of Durant Cup.

According to him the RTI reply due date of Shri Antonio Coelho was approaching near, he asked office peon to search for required documents and was informed that said documents are not found. Accordingly he gave reply to Antonio Coelho, without personally verifying facts.

According to him he was guided by B.D.O. Salcete - II during Appeal before First Appellate Authority and accordingly he gave reply to Shri Antonio Coelho against Order dated 16/08/2016.

The PIO further submitted that as per RTI Act PIO has to furnish those documents which is asked by Applicant and which is available in office. According to him demand at point (1) was wrongly drafted. Answering such demand could have resulted in not following above mentioned clause and hence he requested Applicant to resubmit his query and even extended support to him in drafting correct demand and promised him to answer same within twenty four hours. Then PIO further submitted that as far as point 2(a) is concerned same is not available in V.P.Raia and as far as point 2(b) is concerned same was attached.

According to him question of Appellant getting satisfied does not arise as information under RTI is supplied as per actual documents and not to satisfaction of Appellate. He sought Pardon for not attending the Commission on 15/12/2016.

According to him reply to point(1) is concerned is ready and can be submitted to applicant if State Chief Information Commissioner ask to furnish despite of applicants wrong demand. He further stated that no attempt was made by him to avoid information to applicant but he decided to remain with Act as per RTI Act 2005.

While concluding he submitted that information asked by applicant were far back dated, some were 2003 and on second

attempt had made best of the efforts to provide information of applicant provided same to him. He has not avoided nor hidden any information to applicant and all the information available with V.P.Raia was handed over to him at second attempt.

- 3) I have considered the reply filed by the then PIO Shri Agrasani. According to him he had taken charge on 31/3/2016 as secretary and that lot of work was pending more particularly regarding the misappropriation case of funds.

The application was received in the office of the authority on 15/3/2016,i.e. about 15 days prior to the taking of charge by the concerned PIO. Earlier 15 days time were at disposal of the other PIO. Hence the concerned PIO could not get statutory period of 30 days as is granted under the Act.

- 4) Penalty proceedings are akin to action under criminal Law and hence it is necessary to ensure that the failure to supply the information is either intentional or deliberate inspite of the PIO getting the time under the statute. In the present case as the then PIO could not get the sufficient time even as is provided under the act for disseminating the information section 7(1) could not be held as violated as its ingredients are not fulfilled.

In the result I withdraw the notice dated 15/12/2016, issued u/s 20(1) and 20(2) of the Act, to PIO. Proceedings are therefore dropped.

Notify the parties.

Sd/-

Shri Prashant S. Prabhu Tendolkar
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa