

GOA STATE INFORMATION COMMISSION

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

**Shri Prashant S.P. Tendolkar, State Chief
Information Commissioner**

Appeal No.33/SCIC/2016

Shri Sanjay Narvekar,
H. No.10, Bandir Wado, Chapora,
Bardez-Goa.

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Appellant

V/s

- 1) The Public Information Officer,
Directorate of Fisheries,
Dayanand Bandodkar Marg,
Panaji-Goa.
- 2) The First Appellate Authority,
Dr. Shamila Monteiro,
Director of Fisheries,
Dayanand Bandodkar Marg,
Panaji- Goa.

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Respondents.

Filed: 25/02/2016

Decided: 04/08/2017.

O R D E R

1) The appellant filed an application dated 02/09/2015, u/s 6(1) of the Right to Information Act 2005 (Act), seeking certified copies of inspection report of each and every vessel operating through Mandovi Fisherman Marketing co-operative Society, as submitted by the officer, to whom it was marked.

By said application the appellant has also asked to mention each and every vehicle which are not as per description ad dimensions.

2) The PIO responded to said application on 12/10/2015 informing appellant that the information as requested is nil.

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3) The appellant preferred first appeal to First Appellate Authority(FAA) on 16/11/2015 which was disposed on 07/12/2015.

4) The appellant being aggrieved by said order of FAA has approached this Commission in this second appeal u/s 19(3) and has prayed for an order directing the PIO to furnish the information as prayed and also for imposing penalty of Rs. 250/- per day as also for recommending disciplinary proceedings against PIO in terms of section 20(2) of the Act.

5) After notifying the parties, they appeared. PIO on 03/04/2017 filed his reply. The FAA also filed her reply on 04/04/2017. In both the said replies, the PIO and the FAA reiterated the said facts till disposal of the First appeal.

6) As the response of the PIO to the application u/s 6(1) was that the information was NIL and as per the finding of FAA the information was not available, this commission on 21/04/2015 directed the PIO to file affidavit, affirming the reason as to why the said information was nil or not available.

7) On 05/06/2017 the PIO filed additional reply. Alongwith said reply the information as sought was also filed. The appellant on 05/07/2017 admitted having received the information as sought by him, and prayed that his prayer for imposition of penalty be granted.

Considering the fact that the information as prayed for has been furnished, I find that no intervention of the Commission is required thereon.

8) The appellant has also prayed for penalty in terms of section 20(1) and 20(2) of the act for causing delay in furnishing the

information. The PIO in the additional reply has given his explanation for delay in securing the information.

9) In sum and substance of the ground as raised by PIO for delay is that the application u/s 6(1) was forwarded to concerned official for furnishing information, which was received as NIL. According to PIO as per letter of department dated 22/08/2014, the Chairman of all fisheries Societies was informed that inspection would be conducted and that the owners should co-operate. According to him as the inspection report was not submitted by field officials, he had submitted before FAA that the information is NIL.

PIO has further stated that in view of the direction of the Commission memorandum, dated 21/04/2017 were issued to fisheries officers Shri Bhanudas Madgaokar and Shri Gurudas Kerkar, to which it was replied that the inspection reports were already submitted before the Directorate of fisheries on 07/10/2014. Thus according to PIO it is only after issuance of memorandum that the facts were revealed.

PIO has further submitted that thereafter he issued memorandum to Asst. Supdt. of fisheries, who replied that she has received the reports on 07/10/2014 and as it was perceived to be incomplete same was returned to fisheries officer alongwith original letter and report, without obtaining acknowledgement for completing the report, which was not resubmitted to her till date.

According to PIO thereafter he issued memo to concerned officials to submit the detail report to which it was replied by concerned officials that they have inspected 57 fishing vessels from Sr. No.1 to 5D landed at malim jetty during inspection period and inspection till 20/04/2017 is not feasible to furnish as

there is no order after 2014.

Which concluding the PIO has submitted that as PIO he has to seek information from concerned officials who have to reply on the submissions and as at the relevant time the information was not available it was replied as NIL. According to him the inspection report were submitted only on 25/04/2017.

10) I have considered the aforesaid contentions of PIO. On going through the same it appears that the PIO has not taken any steps to direct the concerned officials to put the information on record, which ought to have been on record of the Public Authority. According to PIO the information was required to be in place in 2014 and the appellant was entitled to have the same if was placed before said Authority.

Be that as it may the PIO could have undertaken the same exercise which he has done now, immediately on receipt of the application. It is only after the order of this Commission directing him to file the affidavit affirming non availability of information that the PIO realizes that the information was required to be available. Such attitude on the part of PIO appears to be not in tune with the requirements of the Act.

11) Even before the FAA the PIO adopts a similar casual approach. The FAA in her reply filed before this Commission on 04/04/2017 has affirmed that instructions were issued to officials to inspect vessels to ascertain the dimensions. According to her as the director of Fisheries were empowered to register vessels upto 23 mts., the inspection reports were not perused with emergency. In the order dated 07/12/2015 passed by FAA in the first appeal filed by appellant, was

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disposed holding that the information is not available. However, in the reply filed before me it is her contention that the appellant was informed that the reports can be provided as and when made available.

12) Considering the overall response, I find that PIO has acted casually while dealing with the application of appellant. Neither the PIO nor the FAA has taken any steps to impart the inspection report as was filed by the concerned officials in 2014. The entire gesture of the officials lacs bonafides.

13) However considering the fact that for some lapse on the part of the concerned official, the information which was initially available was taken out of the office the PIO though has contributed to delay, he cannot be held as solely responsible.

14) In the facts and circumstances by giving benefit of doubt, I find no grounds to grant prayers for imposing penalty. However Commission expects that PIO shall be diligent hence forth and deal with the application under the act with caution and with the spirit and intent with which the act is promulgated. Commission also expects that PIO shall issue appropriate instruction/memorandum to the concerned officials for causing delay in furnishing information.

15) With the above observation, the rest of the prayers of the appeal are dismissed. Proceedings closed.

Parties be notified.

Pronounced in the open hearing.

Sd/-
(Mr. Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa

