

GOA STATE INFORMATION COMMISSION

Kamat Towers' Seventh Floor, Patto, Panaji – Goa

CORAM : Prashant S. Prabhu Tendolkar

State Chief Information Commissioner

Appeal No.63 /SCIC/2016

Caetano D' Costa,

H.No. 41, Rassaim,
Shirabhat, Salcete-Goa.

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Appellant

V/S

1) The Block Development Officer,

Mathany Saldana Complex,
Margao, Salcete – Goa.

2) The Public Information Officer

The Secretary/Sarpanch V.P. Loutolim,
Loutolim, salcete- Goa.

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Respondent

Filed on : 21/04/2016

Disposed on :29/03/2017

1) FACTS:

- a) The Appellant herein by his application, dated 23/11/2015 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No. 1, PIO under points (a) to (e).
- b) The said application was not responded to by the PIO within time and as such deeming the same as refusal Appellant filed first appeal to the Respondent No. 2.
- c) The First Appellate Authority (FAA) by order, dated 22/02/2016, allowed the said appeal and directed PIO to furnish the information, free of cost within eight days from the date of said order. In spite of the same the information is not provided .

- d) The Appellant has therefore landed before this Commission in this second appeal u/s 19(3) of the Act.
- e) Notices were issued to the parties. The notice sent to the Appellant was returned with endorsement, "party left return to sender. The PIO and the FAA were served and they appeared. No reply filed by PIO. The FAA filed reply.
- f) In spite of the opportunity subsequently the parties failed to appear before the Commission and hence the matter is considered based on the records.

Findings :

- a) On going through the records it is seen that by application, dated 23/11/2015 the Appellant had sought for the details as recorded and existing with the Village Panchayat pertaining to house no. no.27/A. These records being with Panchayat are public records and does not come under the ambit of any exceptions.

Even otherwise if the said information was not existing the application u/s 6(1) ought to have been appropriately responded to. PIO has not responded to the said requirements thereby violating section 7(1) of the Act, which attracts penalty u/s 20(1) and / or (2) of the Act.

- b) Be that as it may, ever after the order of the F.A.A., the PIO has failed to comply with the same showing scant concern to the orders of his superior officer. There are no records filed showing that the information as ordered was furnished to the Appellant.
- c) Considering the nature of information sought, I find no reason to with hold the said information. In the circumstances I proceed to dispose the present appeal with the following:

ORDER

Appeal is allowed. PIO of the Office of Village Panchayat of Loutolim is directed to furnish to the Appellant, free of cost, the entire information as sought by him vide his application, dated 23/11/2015, within fifteen days from the date of receipt of the copy of this order by it.

BDO-II, Salcette, to serve the copy of this order on the PIO and seek the compliance hereof and report the same to this Commission.

Considering the conduct of PIO in not responding to the application u/s 6(1) of the act by the appellant herein, PIO is hereby warned to be diligent in discharging his duties as PIO under the Act by adhering to the time schedule contained therein.

Notify the parties accordingly. Proceedings closed.

Pronounced in open proceedings.

Sd/-

(Mr. Prashant S. P. Tendolkar)

State Chief Information Commissioner
Goa State Information Commission,
Panaji-Goa