

GOA STATE INFORMATION COMMISSION

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

Complaint 13/SCIC/2015

Shri Vivek Nilkant Amonkar,
H.No. 366, Betal Prasad,
Nr. Marutigad Curchorem Goa

.....**Appellant.**

V/s.

1. State Public Information Officer (PIO),
Department of Information & Publicity,
Udyog Bhavan,
Panaji Goa.

.. ..**Respondents**

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Appeal filed on: 10/3/2015
Decided on:01/03/2017

ORDER

1. This order disposes the present complaint filed by complainant u/s 18 (1) of the RTI Act 2005. The brief facts leading to present complaint are as under ;
2. The complainant herein Shri Vivek Nilkant Amonkar by his application dated 20/1/2015 filed u/s 6(1) of the Right to information Act 2005 sought certain information form the Respondent No. 1 Public Information Officer (PIO) Department of Information and Publicity Panajim as stated therein in the said application .
3. The said application was not responded to by the Respondent PIO within time as contemplated under the Right to information Act and as such deeming the same as refusal the complainant filed first appeal

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before the first appellate authority on 10//3/5 and simultaneously also filed the present complaint before this commission u/s 18 (1) of the Right to information Act 2005.

4. The matter was listed for hearing and was taken up on board. After intimating both the parties . The complainant was absent during the hearing .
5. Notice of the present complaint was given to PIO on 29/11/2016 to file his reply if any. The PIO appeared on 26/12/16 at 3.30 P.m. and on subsequent date of hearing he remained absent without justification. Opportunities were given to him to file his reply to the said notice. Despite of that he failed to file any reply .
6. Considering the above circumstances I hold that the PIO has no reply to be filed and that the averments in the complaint are not disputed .
7. On account of continuous absent of Respondent PIO the under signed commission has no any other option then to decide the present complaint on merits, based on the available records in the file.
8. I have gone to the records, the complainant filed application under section 6(1) of the RTI Act on 20/1/2015. Under section 7(1) of the RTI Act , the PIO is required to respond the same on or before the 30 days. In the present case it is found that the PIO is not responded to the said application of the complainant within the said stipulated period either by furnishing the information or rejecting the request . It is also not the case of PIO that the information has been furnished to the complainant or that he has responded to his application. The PIO has also not given explanation for not responding the said application.

Section 18 of the act reads

Under section18 Powers and functions of Information Commission – (1) Subject to the provisions of this Act, it shall be the

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duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,-

- (a) Who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information officer as the case may be has refused to accept this or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section 91) of section 19 or the Central Information Commission or the State Information Commission, as the case may be .
- (b) Who has been refused access to any information requested under this Act;
- (c) Who has not been given a response to a request for information or access to information within the time limit specified under this Act;**
- (d) Who has been required to pay an amount of fees which he or she considers unreasonable;
- (e) Who believes that he or she has been given incomplete, misleading or false information under this Act; and
- (f) In respect of any matter relating to requesting or obtaining access to records under this Act.

9. Thus the Act empowers the commission to inquire in the complaint which involves only the cases as contained at clauses (a) to (f) above

10. In the above given circumstances I find that this is a fit case for imposing penalty on PIO and considering the date of request, I hold that the sum of Rs. 5,000 will be appropriate to be imposed as penalty to be levied against PIO. And as such the present complaint is disposed with following order,

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Order,

1. The PIO that is the respondent No. 1 herein shall pay Rs. 5,000 (Rs. Five thousand only) as penalty .
2. Aforesaid total amount payable as penalty shall be deducted from the salary of PIO in two equal installment and the penalty amount shall be credited to the Government treasury.
3. Copy of this order be sent to the Director of Account Panajim and to the Director of Information and Publicity , Udyog Bhawan Panajim Goa for information and implementation.

Pronounced during the proceedings. Notify the parties .
Authenticates copy of the order was given by 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.

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