

GOA STATE INFORMATION COMMISSION

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

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

Appeal No. 143/2016

Jawaharlal T. Shetye,
H.No. 35/A Ward No. 11,
Near Sateri Temple,
Khorlim Mapusa- Goa.

...Appellant

V/s.

1. The Public Information Officer,
Under Secretary (GA-I),
General Administration Department,
Secretariat Porvorim Goa.
2. Public Information Officer (PIO)
/The Add. Director of Municipal administration,
Collectorate Building Panaji Goa.
3. Public Information Officer (PIO)
/ Mapusa Muncipal Council, Mapusa Goa.
4. The First Appellate Authority,
Directorate of Municipal Administration,
Collectorate Building Panaji Goa
5. First Appellate Authority (FAA)/ The Chief Officer Mapusa Municipal Council,
Mapusa Goa.Respondent

Appeal filed on :- 2/08/2016

Disposed on:- 2/06/2017

ORDER

1. By an application dated 1/04/2016 the appellant Shri Jawaharlal Shetye sought certain information u/s 6(1) of Right to Information Act, 2005 from the Public Information Officer (PIO)/OSD to Deputy Chief Minister, Secretariat Goa on five points as stated therein in the said application.

2. The said application was transferred to Additional Director of Municipal Administration and to the PIO of Mapusa Municipal Council u/s 6(3) of the Right To Information Act 2005 on 21/04/2016.
3. It is case of the Appellant that the information as sought was not furnished to him, hence he filed 1st appeal before the Director of Municipal Administration Panjim on 30/05/2016 and before the Chief Officer of Mapusa Municipal Council on 30/05/2016.
4. It is case of the appellant that despite of filing the 1st appeal with Respondent No. 4 and Respondent No. 5 the said was not disposed by them within mandatory period of 45 days, he had to approach this Commission by way of 2nd appeal u/s 19(3) of RTI Act on 19/07/2016. In the present appeal, appellant has prayed for direction for furnishing requested information and for invoking penal provision.
5. In pursuant to the notice of this Commission the appellant appeared in person. Respondent No. 1 was represented by Ms. Varsha Naik. Respondent No. 3 was represented by Advocate Madhavi Salkar. Respondent No. 2, Respondent No. 4, Respondent No. 5 opted to remain absent.
6. Respondent No. 1 and Respondent No. 3 filed their respective replies on 17/03/2017. Respondent No. 3, PIO of Mapusa Municipal Council vide said reply provided the pointwise answers /information to the Appellant.
7. On subsequent date of hearing the appellant submitted that with the information which is furnished to him, his application dated 1/04/2016 filed u/s 6(1) of the act stands fully replied and as such he doesnot desire to

proceed with the appeal and prayed to pass an appropriate orders. Accordingly he endorsed his say on the memo of appeal.

8. On scrutiny of the records, it is seen that Respondent No. 3 PIO of Mapusa Muncipal Council has not responded the application of the Appellant within time.

The records also shows that even though first appeal was filed by appellant before Respondent No. 4 and Respondent No. 5 the same was not taken up for hearing. The said act on the part of Respondents is in contravention against the mandate of RTI Act. The said act came to existence to provide fast relief as such time limit is fixed under the said act to dispose application u/s 6 (1) within 30 days and to dispose 1st appeal maximum within 45 days. The act on the part of Respondents is condemnable .

Public Authority must introspect that non furnishing of correct or incomplete information lands citizen before FAA and also before this Commission. Resulting into unnecessary harassments of common man. Which is socially abhorring and legally impermissible.

9. Considering that nothing has been brought on record by the appellant to show that lapses on the part of PIO's and FAA are persistent, considering this is first lapse on the part of PIO and FAA lenient view is taken. However both Respondents hereby directed to be vigilant henceforth while dealing with RTI matters and any lapses in their part in future will be viewed seriously.
10. Appeal disposed accordingly 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/-
(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

Kk/-