

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 09/2018/SIC-I

Shri Nazareth Barretto,
H.No. 126, Borda,
Margao, Salcete- Goa.

.....Appellant.

V/s.

1. Public Information Officer,
The Village Panchayat Rumdamol-Davorlim,
Margao, Sacete-Goa.

2. First Appellate Authority,
Office of The Block Development Officer,
Salcete, Margao Goa. ,

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 15/01/2018

Decided on: 08/3/2018

ORDER

1. The brief facts leading to present appeal are that the appellant Shri Nazareth Barretto, by his application, dated 5/9/2017, filed u/s 6(1) of The Right to Information Act, 2005 sought certain information/ certified copies of the documents from the PIO of Village Panchayat of Rumdamol-Davorlim, Salcete Goa, on points (a) to (f) as stated therein in the said application .
2. The said application was responded by Respondent PIO herein on 4/10/2017 interalia informing appellant that information at point No. (a) to (f) are not available on their office records.
3. As the information as sought was not furnished , the appellant filed first appeal before the Block Development officer, Salcete Goa being the first appellate authority who is the Respondent No. 2 herein

4. Respondent no. 2 First appellate authority by an order dated 29/11/2017 disposed the said appeal by coming to the conclusion that the information is already furnished to the appellant by respondent.
5. The appellant being aggrieved by said response of PIO and the first appellate authority, has approached this commission on 15/1/2018 in this second appeal u/s 19(3) of the Act with the contention that the information is still not provided and seeking order from this commission to direct the PIO to furnish the information as also for other reliefs.
6. In pursuant to notices of this commission Appellant represented by Advocate N. Mayekar. The present PIO Shri Hidayadulla Sheikh was present and filed his reply on 1/3/2018 thereby enclosing the information and submitted that beside this information there is no other information found on the records of the Village Panchayat of Rumdamol-Davorlim.
7. Arguments advanced by both the parties.
8. It is the contention of the Advocate for the appellant that initially the then PIO has replied that the information at all points are not available on the records of the Village Panchayat and now the present PIO has furnished her the point wise information and also have furnished the appellant the certified copies of the available information. It is her further contention that the then PIO had provided her false information and as such she has been forced to approach the different authorities in pursuing her application. She further pressed for penal provision as against then PIO.
9. The present PIO Shri Hidayadulla Sheikh submitted that he has taken the Charge as a Secretary and PIO of Village Panchayat of Rumdamol, Davorlim on 3/11/2017 from Shri Custodio Faria who was then officiating as PIO. As such it is contention that he is not responsible in any manner and that he has diligently

performed his duty under RTI and provided the information to the appellant .

10. I have scrutinized the records available in the file and also considered the submission of both the parties.
11. On perusal of the letter bearing NO. VP/R-D/2017-18/750 dated 4/10/2017. It is seen that the then PIO has replied that the "*information is not available on records*". Whereas the present PIO vide his reply dated 1/3/2018 have furnished point wise reply and has furnished documents. As such prima facie it appears to me that wrong information had been furnished to the appellant by then PIO.
12. The right of the information Act 2005 has been enacted with objective of promoting transparency and accountability in working of Government. It empowers citizen to keep necessary vigil on the instrument of the Governance and makes the Government more accountable to the govern. The Act is a big step towards making the citizen informed about the activities of the Government.
13. From the provision of the RTI Act , it indicates that entire responsibility in providing information sought rest on PIO and non compliance of mandate makes PIO liable for penalty action. The conduct of PIO herein appears to be suspicious and adamant vis-à-vis the intent of act in bringing transference in the affairs of public authorities
14. Considering the conduct of then PIO and indifferent approach to the entire issue I find substance in the contention of the appellant that the PIO purposely and malafidely refused accessed to the information. However before imposing penalty an opportunity has to be given to then PIO to explain his stand.
15. In the above given circumstances I dispose this appeal with following order;

ORDER

1. Appeal partly allowed.

2. Information being furnished to the satisfaction of appellant, I find no intervention of the commission is required thereto.
3. Issue show cause notice to then PIO Shri Custodio Faria as to why no action as contemplated u/s 20(1) and 20(2) of the RTI Act 2005, should not be initiated against him, for giving appellant incorrect, incomplete and misleading information.
4. The present PIO shall serve this notice along with the order to him and produce the acknowledgment before this commission or before the next date fixed in the matter and the matter is fixed on 27/3/2018 at 10.30am

With the above directions , the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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.

Sd/-

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

Ak/-