

**GOA STATE INFORMATION COMMISSION**  
 'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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

**Appeal No. 111/2018**

Shri Jawaharlal T. Shetye  
 H.N. 35/A, Ward No, 11,,  
 Near Sateri Temple, Khorlim,  
 Mapusa-Goa -403 507

....Appellant

V/s

- 1) The Public Information Officer,  
 Mapusa Muncipal Council,  
 Mapusa-Goa – 403507
  - 2) First Appellate Authority,  
 Chief Officer, Mapusa Muncipal Council,  
 Mapusa-Goa 403507
- .....Respondents

Filed on: 04/05/2018

Decided on: 19/06/2018

**ORDER**

1. The brief facts leading to the present appeal are that the information seeker Shri. J. T. Shetye herein by his application dated 7/02/2018 filed under section 6(1) of Right to Information Act, 2005 sought certain information on six points as stated therein from the Respondent No. 1 Public Information Officer (PIO) of Mapusa Municipal Council with regards to complaint dated 18/05/2015 filed by him with Chief officer of Mapusa Muncipal council against stall number T-66 in KTCL building complex and also in respect of Complaints filed against Mrs. Elitha Trinitade.
2. It is contention of the Appellant that the said application was not responded by Respondent PIO as such he preferred 1<sup>st</sup> appeal on 15/03/2018 before the Chief Officer of Mapusa Municipal Council being First appellate Authority (FAA) who is the Respondent No. 2 herein.
3. It is contention of the Appellant that though the Respondent No. 2 First Appellate Authority took the hearing on 4/04/2018 but failed to dispose the first appeal within stipulated time.

4. In this background the appellant has approached this Commission on 4/05/2018 by way of Second appeal filed under section 19(3) of RTI Act, 2005 thereby seeking directions to the Respondent No. 1 PIO for furnishing him the information as requested by him and for invoking penal provisions including compensation.
5. The matter was taken on the board and listed for hearing. In pursuant to the notice issued by this Commission the appellant appeared in person. Respondent Public Information Officer (PIO) Shri Vyankatesh Sawant was present. Respondent No. 2 First Appellate Authority (FAA) opted to remain absent despite of due service of notice.
6. The PIO submitted that the information at point no. 1 to 4 is available with them and he volunteered to furnish the same. He showed his inability to furnish the information at point no. 5 and 6 as the same were not available with them and since those files were with Director of Municipal Administration, he undertook to transfer the said application of the appellant with regard to pt no. 5 and 6 in terms of section 6(3) of RTI Act 2005 to Directorate of Municipal Administration.
7. Accordingly Respondent No. 1 PIO filed reply alongwith information and enclosures on 13/06/2018. He also placed on record the letter dated 12/06/2018 purported done under section 6(3) of RTI, Act thereby transferring the points 5 and 6 to Director of Municipal Administration, Panaji.
8. Compliance report was filed by PIO on 19/06/2018 copy of which is furnished to appellant.
9. The appellant then admitted of having received the reply/information alongwith the enclosures on 18/06/2018 which was furnished to him vide covering letter dated 13/06/2018 by hand delivery.
10. The appellant submitted that he is satisfied with the information furnished to him. However he pressed for invoking penal provision for the delay in furnishing him said information. He submitted that both the Respondents were

not diligent in performing their duties under the RTI Act, 2005. And he has been made to run from pillar to post thereby causing great hardship to him.

11. Since the information is now furnished, during the course of the present proceedings I find no intervention of this commission is required for the purpose of furnishing information.
12. Vide reply dated 13/06/18 the present PIO submitted that application of appellant dated 7/02/18 was replied and information was furnished to him by then PIO Shivram Vaze vide letter dated 11/04/2018 and in support of his above contention he relied upon letter dated 11/04/2018 purportedly signed by then PIO Shivram Vaze. Apparently it is seen that the application of the appellant was not responded within stipulated time of 30 days. And hence there is delay in responding the same. Prima facie it also appears that the said reply was furnished only after the first appeal was filed by the appellant before Respondent No. 2
13. Further glaringly it can be noticed in the course of this proceeding that on the receipt of the notice of this appeal no explanation or the reasons is furnished by the PIO for not responding the application in terms of section 7(1) of RTI act and for not providing information promptly.
14. Since it is contention of the appellant that first appellate authority failed to pass any order on the first appeal filed by him, opportunity was offered to the FAA but no reply is filed by the FAA denying the said contention.
15. From the records the commission also finds that both the respondents has shown scant concern to the provisions of the Act. The act on the part on the both the respondents are not in conformity with the RTI Act. The said act came into existence to provide fast relief and as such time limit is fixed under the said act to dispose the application u/s 6(1) of the RTI Act within 30 days and to dispose first appeal maximum within 45 days.

16. Both the respondent did not take diligent steps in discharging responsibility under the RTI Act. They should have kept in mind that the objective and purpose for which the said act came into existence. The main object of RTI Act is to bring transparency and accountability in the public authority and as such the Respondents were duty bound to implement the Act in true spirit.
17. Considering the conduct of both the Respondents and their indifferent approach to the entire issue. I find some substances in the contention of the appellant. However I find the opportunity has to be granted to PIO to explain his version. In the aforesaid circumstances I proceed to dispose this appeal with following order:-

### **ORDER**

- a) Appeal partly allowed.
- b) Information being furnished to the satisfaction of the appellant, I find no intervention of the Commission required there too.
- c) However PIO to showcause as to why no action as contemplated under section 20(1) and 20(2) of the RTI Act, 2005 should not be initiated against him/her for contravention of section 7(1) of RTI Act, 2005, and for delay in furnishing the complete information. The reply to show cause notice to be filed by the PIO in person on 6/07/2018 at 10. 30. A.m.
- d) The Respondent No. 2, FAA is hereby directed to be vigilant henceforth while dealing with the RTI matters and to strictly comply with provisions of section 19(1) of the RTI Act, 2005 and any further lapses on part of FAA in future will be viewed seriously.
- e) In exercise of my powers conferred under section 25(5) of the RTI act, 2005, this Commission recommends that the Director of Municipal Administration, Panjim Goa shall issue instruction to both the respondents to deal with the RTI

matters appropriately in accordance with the provision of the said act. And any lapses on the part of the Respondent be considered as dereliction of duties.

- f) Copy of this order shall also be sent to Director of Municipal Administration at Panjim-Goa for information and necessary action.
- g) In case the PIO at the relevant time , to whom the present notice is issued is transferred , the present PIO shall serve this notice alongwith the order to him and produce the acknowledgment before this commission or before the next date fixed in the matter alongwith the full name and present address of the then PIO.
- h) The Registry of this Commission is directed to open new penalty proceedings.

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/-