

THE GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.
CORAM: Smt. Pratima K. Vernekar, State Information Commissioner

Appeal No.163/2017

Engineer Rabindra A. L. Dias,
Dr. Pires Colony, Block “B”,
Cujira, St. Cruz, Tiswadi-Goa
V/s

.....Appellant

1. The Public Information Officer (PIO),
O/o. The Village Panchayat Sernabatim, Vanelim,
Colva, and Gandaulim,
Colva Salcete-Goa

2. The First Appellate Authority (FAA),
O/o. The Block Development Officer,
Mathany Saldanha Administrative Complex,
Margao, Salcete-Goa

..... Respondents

Filed on: 5/10/2017

Decided on: 19/01/2018

ORDER

1. The Appellant Shri Ravindra Dias herein in exercise of his right under section 6(1) of the Right to Information Act, 2005 by his application dated 24/12/2014 addressed to the Public Information Officer (PIO) of the O/o. Mamlatdar of Margao, Salcete-Goa sought certain information on 33 points pertaining to Mutation No. 279 of the Sernabatim Village, Salcete Taluka.
2. The PIO of the Office of the Mamlatdar vide his letter dated 2/05/2017 transferred the said application to the Secretary of the Village Panchayat Colva Salcete in terms of section 6(3) of the RTI Act, 2005 as the information in respect to para No. 9, 10, 21, 22, 23, 26, 27, 30, 32 and 33 was pertaining to the Office of Respondent No. 1.
3. Respondent No. 1 vide letter dated 25/05/2017 responded to the application of the appellant dated 24/12/2014 and informed the appellant that the house numbers are not recorded as per survey number in Village Panchayat Colva and the Appellant was directed to specify the name of the owner.

4. It is contention of the appellant that he vide letter dated 12/06/2017 furnished the said details of the names of the owners. Despite of specifying the name of the owners no information came to be provided to him as such he preferred appeal before the BDO Salcete being the FAA on 12/06/2017. And the Respondent No. 2 FAA passed an order dated 19/07/2017 directing respondent PIO to provide complete information to the appellant pertaining to the RTI application within 10 days from the receipt of the order free of cost.
5. Since the order of First Appellate Authority (FAA)/ Respondent No. 2 was not complied by Respondent PIO and as information was not provided to him the appellant filed present second appeal on 5/10/2017 interms of section 19(3) of the Right to Information Act seeking direction as against Respondent PIO for furnishing the information and for invoking penal provision.
6. In pursuant to the notice of this Commission the appellant present in person and the Respondent No. 1 PIO opted to remain absent despite of due service and notice. Respondent No. 2 FAA filed reply on 28/11/2017.
7. The matter was thereafter called out on number of occasion but none of the parties turned up or shown any interest in the matter. Nevertheless as substantial times has elapsed, The Commission felt it appropriate to now dispose of the present appeal on the basis of the material available on record.
8. It is seen from the records that despite of furnishing the details by appellant no information was provided to him. Further there was also direction from the FAA to furnish information within 10 days. It appears that till date the said information was not provided to the appellant. Once order is passed by the FAA who is senior in rank then PIO, it was abandoned duty of PIO to abide by his direction. However, in utter disregard to the said order, PIO again failed to provide said information sought for. Further glaringly it is noticed that despite of due service of the notice, the PIO has not

appeared nor filed his reply nor given any explanation or reasons for not providing the information. It is apparent from the records that the Respondent PIO has shown lack of negligence in his attitude towards discharge of his functions as PIO. Material on records also shows that PIO did not take any diligent steps in discharging duty under the RTI Act. The PIO should always keep in mind that their services are always taken by the government to serve the people of the state in particular and the people of the country at large. They should always keep in mind that the objective and the purpose for which the said act came into existence. The main object of the RTI Act is to bring transparency and accountability in the public authority and PIO are duty bound to implement the Act in true spirit.

9. There is delay of approximately 1110 days (around 3 years) in furnishing the information.
10. All the above circumstances leads me to prima facia hold that this action of the PIO attracts penalty under section 20 of the RTI Act. And considering the conduct of the Respondents to the entire issue I find that the case where the request of the Appellant for the grant of the penalty to be genuine. As such I find it is appropriate to seek explanation from the PIO as to why penalty should not be impose on him for contravention of the section 7(1) of the RTI act for delaying the information and for not complying order of FAA.
11. Hence the following order

ORDER

- a) Appeal is allowed
- b) The present PIO directed to furnish information as sought by the appellant vide letter dated 24/12/2014 at para 9, 10, 21, 22, 23, 26, 27, 30, 32 within three weeks from the date of the order
- c) Issue showcause to PIO under section 20(1) and 20 (2) of RTI Act, 2005 for contravention of section 7(1) of the RTI

Act, for delaying the information and for not complying order of FAA.

- d) The matter fixed on 9/02/2018 at 3.30. p.m. for reply of the PIO on showcause notices.
- e) 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 acknowledgement before the commission on or before the next date fixed in the matter alongwith the full name and present address of the then PIO

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