

**GOA STATE INFORMATION COMMISSION**

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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Appeal No.189/2017

Shri Sushant P. Nagvekar,  
House No. C-312, Fondvem,  
Ribandar-Goa 403006.

.....Appellant.

**V/s.**

1. T.S. Sawant,  
Director of Information & Publicity,  
And First Appellate Authority (FAA),  
Panaji Goa.

2. Public Information Officer (PIO),  
Department of Information and  
Publicity, Panaji Goa.

..... Respondents

**CORAM:**

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

**Filed on: 13/11/2017**

**Decided on: 21/02/2018**

**ORDER**

1. The present appeal was initially filed by the appellant Shri Sushant Nagvekar on 13/11/2017 against the first appellate authority of Department of Information and Publicity.
2. It was the grievance of the appellant that first Appellate authority has erred in not directing the PIO to transfer the part of his application dated 3/8/2017 u/s 6(3) of RTI Act,2005 to other public authority namely Law Department.
3. Since the directions under provisions of section 6(3) could be issued to the PIO only, as such, this Commission felt it appropriate to join PIO of Department of Information and Publicity as an party to the present appeal proceedings and accordingly an order dated 19/1/2018 was passed impleading PIO as one of the party .

4. Notices were issued to the parties, in pursuant to which appellant appeared in person. Respondent PIO Shri Prakash Naik appeared and filed his reply on 14/2/2018. The First appellate authority Shri T. A. Sawant appeared and filed his reply on 12/1/2018.
5. Written argument are filed by appellant on 7/2/2018. It is the contention of the appellant that he pleaded before first appellate authority for directions to PIO for transferring his application to the Law Department u/s 6(3) of RTI Act as said department was holding part of information. It is his case since first appellate authority did not considered his oral request while passing order dated 5/10/2017, he again brought to the notice of PIO vide letter dated 5/10/2017 . It is his further contention that the act on the part on PIO amounts to deemed refusal of the information. He further contended that PIO & FAA failed to take decision on the issue is total violation of section 6 and 7 of the Act.
6. It is his further contention that the first appellate authority declined his request to transfer the application to the another public authority was violation of the provision of the statute.
7. The Respondent PIO vide his reply have contended that they have received the application dated 3/8/2017 and subsequent letter dated 5/10/2017 addressed to PIO and that he had furnished the copy of the circular dated 20/7/2011 to the appellant and also he was allowed to inspect the relevant file of the circular. It was further contended that the part of the information which was marked as "x" is not available in their Department as such the letter dated 5/10/2017 was transferred u/s 6(3) of RTI Act 2005, to the PIO of Law Department vide their letter dated 5/10/2017.

8. The First appellate authority vide his reply contended that the request of the appellant for action under sub section (3) of section 6 was rejected as appellant did not make any such request in his appeal memo.
9. I have perused the records and considered the arguments of the parties.
10. As per the reply of the PIO dated 14/2/2018, part of the information is held by another authority that is a Law Department. Thus considering the availability of the part of the information with other authority, it was incumbent upon the PIO to invoke section 6(3) of RTI Act at the initial state itself. The first appellate authority also failed to consider the above arrangement made for securing the information held by other authority. The RTI Act is a people friendly Act. In order to grant fast relief a specific time limit is fixed under the Act and the specific provisions are made. When the statute provides for transfer of application of section 6(3) of RTI Act, 2005, the proper course for first appellate authority would have been to direct the PIO to transfer the related part of the request to concerned authority and therefore I am unable to subscribe to the view of first appellate authority and as such said order therefore cannot be sustained.
11. The PIO is duty bound to transfer the said application 3/8/2017 within 5 days to the concerned public authority. The said application came to be transferred to the Law Department only on 5/10/2017. There is a delay in transfer of said application dated 3/8/2017 u/s 6(3) to the concerned public authority. Great hardship has been caused to the appellant in pursuing his RTI Application. The PIO and the first appellate authority has failed to consider the intent of RTI Acts in its true spirit. Both the Respondents are hereby directed to be vigilant henceforth while

dealing with the RTI matters and is here by directed to act in conformity with the provisions of the RTI Act.

The appeal stands disposed with the above directions

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/-