

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

Appeal No. 241/2018/SIC-I

Mr.Ramesh Pandurang Naik,
House No;55 & 56,
Gaundalim Road,
Village Ella, Old Goa.
Goa.403402

....Appellant

V/s

The Public Information Officer,
Tiswadi Zonal Agricultural office,
Agriculture Department,
Government of Goa, Old Goa
Goa 403402.

.....Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 5/10/2018
Decided on: 20/11/2018

ORDER

1. The brief facts leading to present appeal are that the appellant Mr. Ramesh Naik herein by his application dated 26/06/18 filed u/s 6 (1) of RTI Act, 2005 sought certain information on 4 points from respondent no 1, the PIO of the office of Directorate of agriculture as stated therein in the said application.
2. It is the contention of the appellant that his application was responded by the respondent no 1 PIO on 5/7/18 wherein he was told to deposit Rs. 12/- for the information at point no. 1 and 2 and he was informed that information at point no 3 and 4 is not available in the records of their office.
3. It is the contention of the appellant that in pursuant of the said reply he deposited Rs 12/- for the information at point no 1 and 2 on 18/7/18 and due receipt was issued to him by the office of the PIO.

4. It is the contention of the appellant that on depositing the said amount he was furnished six Xerox copies by the PIO which was not certified by the respondent as required under the RTI Act, as such it is the contention of the appellant that information is incomplete in terms of section 7. It was his further grievance that the answers given at point no 3 and 4 stating that information is not available in their office was not to his satisfaction and PIO ought to have transferred the point no. 3 and 4 to appropriate public authority interms of section 6(3) of RTI Act within 5 days.
5. It is the contention of the appellant being aggrieved by the action of respondent PIO, he preferred 1st appeal before the Director of Agriculture, Panjim-Goa on 26/07/18 being FAA in terms of section 19(1) of RTI Act and the FAA by upholding the contention of the appellant directed the respondent PIO to furnish the information to the appellant within period of 7 days and the respondent was also directed to transfer the said application u/s 6(3) to the Forest Department and to obtain the said information from the forest department and then to supply the same to the appellant without any cost.
6. It is the contention of the appellant that FAA order was not complied by the respondent PIO within stipulated time as directed by the FAA, as such he being aggrieved by the action of respondent PIO is been forced to approach this commission by way of present 2nd appeal.
7. In this background the present appeal has been filed before this commission on 5/10/2018 u/s 19 (3) of RTI Act thereby seeking direction to the PIO for furnishing complete information and for invoking penal provisions.
8. The notices were issued to both the parties. In pursuant to which the appellant was present in person. Respondent PIO Shri Pradeep Malik (Zonal agriculture officer, Tiswadi) appeared and filed his reply

alongwith the information and enclosures. The copy of the same was furnished to the appellant.

9. The appellant submitted before this commission that he has received the information at point no 3 and 4 from the forest department and his grievance is only in respect of the information at point no 1 and 2 as the certified copies of the same is not furnished to him despite of due payment of requisite fees.
10. The respondent PIO fairly admitted that only the Xerox copies were provided to the appellant. However it was his contention that it was not intentional and not deliberate but due to the lapses on part of the dealing hand. He further submitted that he has carried the certified copies of the information and accordingly furnished duly certified copies of the information at point no 1 and 2 to the appellant.
11. It is the contention of the respondent PIO that he has responded the application of the appellant well within stipulated time of 30 days and the order of FAA was complied very promptly and the appellant vide letter dated 23/8/18 was directed to collect the information.
12. Since the information is now being provided to the appellant I find no intervention of this commission is required in the present proceedings for the purpose of furnishing information and the hence prayer of seeking information becomes infructuous.
13. Before parting, I would like to observe herein that the RTI Act, 2005 has been enacted with the objective of promoting transparency and accountability. The public authority must introspect that non furnishing of the correct or incomplete information lands the citizen before first appellate authority and also before this commission resulting into unnecessary harassment of common men which is socially abhorring and legally impermissible and hence the PIO is hereby directed to be his vigilant hence forth while dealing with the RTI matters.

14. With the above directions, the appeal proceedings 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