

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

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**Shri Prashant S.P. Tendolkar,**  
State Chief Information Commissioner

**Appeal No.89/2018/CIC**

Mr. Bernardo Fernandes,  
House No.6/118A, Cobravaddo,  
Calangute, Bardez –Goa.

..... Appellant

V/s

1) The Public Information Officer,  
Village Panchayat of Calangute,  
Bardez –Goa.

2) The First Appellate Authority,  
Block Development Officer,  
Mapusa, Bardez-Goa.

..... Respondents.

Filed on:13/04/2018

Disposed on:04/09/2018

**ORDER**

1) The facts in brief which give rise to the appeal are that the appellant herein filed application u/s 6(1) of the Right to Information Act 2005 hereinafter referred to as the Act. According to him the application was not replied and hence he had to file first appeal. Said first appeal was disposed with a direction to the PIO to furnish the information if it exist.

As inspite of the said order the information was not furnished appellant filed this second appeal.

2) In the course of hearing of this second appeal, the PIO furnished the information as was sought. On verification of the same by the appellant and his son who were present before this Commission on 08/08/2018, the appellant confirmed

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having received the same. In view of this position the Commission finds that no intervention is required in respect of the relief of information. The arguments of the parties on the relief of penalty were heard.

- 3) In his submissions, Adv. S.P. Patkar, appearing for the respondent submitted that the respondent Authority i.e. V.P. Calangute is busiest body in the state and that it has to carry various functions. The PIO herein is also the secretary and has to look after several functions and hence he remains preoccupied. According to him panchayat receives several applications under the act which remains unattended, as, if duties of the panchayat are not carried out it may adversely effect the administration. It was also submitted that there were no malafides on behalf of the PIO in non furnishing of information. Adv. Patkar by relying on the Judgment passed by Hon'ble Apex Court in the case of *Central Board of Secondary Education V/s Aditya Bandopadhyaya*, submitted that in view of numerous applications under the act, other work gets hampered, hence the delay.
- 4) Considered the submissions advanced on behalf of PIO. The contentions of PIO is that he has to attend other duties under the Panchayat Raj Act 1994 and hence could not get time for dealing with the request appellants. Such a ground if accepted would lead the act infructuous. Such a plea, rather than expressing the difficulties of the PIO, would exhibit his inefficiency in work. The act does not relate time for disposal of request based on workload of PIO. On the contrary the act, with a clear intent of deciding the request has fixed the period for disposal of application u/s 6(1) as thirty days u/s 7(1) of the act.

Assuming for a while that due to load of work, the application could not be attended, such a difficulty could have been intimated to appellant. Even otherwise another forum i.e. first Appellate Authority was available to him to show his bonafides in first appeal but PIO failed even to appear before it. In the above circumstances this Commission finds that the grounds of delay are apparently after thought and does not inspire confidence.

5) Commission makes a specific reference that the act is aimed to provide transparency in functioning of the public Authorities. It should be the endeavour of all such authorities to avail such opportunity for showing their transparency by dealing with applications under the act with utmost priority. PIOs should also bear in mind that such application is an opportunity to create confidence in the minds of citizens regarding its transparent functioning. In the present case the PIO appears to have lost site of the aforesaid aims of the act.

6) However considering the remorse expressed by PIO and considering this lapse as the first default, this Commission adopts a liberal approach. PIO is hereby warned that any such lapse on his part hence forth shall be dealt with seriously and expects that he gives priority to the proceedings under the act before him, more particularly by adhering to the statutory requirements contained therein.

With the above warning the appeal stands disposed. However the right of appellant to seek further/additional information on the subject, if required are kept open.

Notify parties.

Pronounced in open hearing.

Sd/-

**(P. S. P. Tendolkar )**

State Chief Information Commissioner  
Goa State Information Commission  
Panaji - Goa

