

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

CORAM: Shri Juino De Souza State Information Commissioner

Appeal No:99/SCIC/ 2012

Shri Francisco da Gama,
Ex-Municipal Engineer,
Mazilwaddo Nagoa,
Salcette- Goa.

..... Appellant

v/s

1 Public Information Officer,
Office of the Chief Officer,
Cuncoim Municipal Council,
Cuncoim, Salcete – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 23-02-2018

Date of Decision : 23-02-2018

O R D E R

1. Brief facts of the case are that Shri. Francisco Da Gama, the appellant herein had filed a Second Appeal before the commission registered on 24/05/2012 and pursuant to the notices dispatched this matter has come up for hearing on several previous occasions and during the hearing held on 23/02/2018, the Advocate for the Appellant, Adv J.E. Reis submits that Shri Francisco da Gama, the Appellant has since expired during the month of November 2017.

2. The Commission finds that a notice dispatched to the appellant has been returned by the postal authorities with the remark...Expired. The Commission is of the opinion that as the appellant has expired the proceedings pending before the commission abate. A similar view was observed in Regulation 24 of the Central Information Commission (Management) Regulations 2007 under section 12(4) of the RTI ACT 2005 which states that 'proceedings pending before the commission shall abate on the death of Appellant/ Complainant'.

3. It is observed that as per the UTTAR PRADESH RIGHT TO INFORMATION RULES, 2015 Rule 13(3). Andhra Pradesh Information Commission Management Regulations 2007 in Regulation No 21 and Rule 35 of Jammu and Kashmir Right to Information Act, 2009 (Act No. VIII of 2009) all state that the proceedings pending before the commission shall abate on the death of the Appellant/ Complainant.
4. It is pertinent to note that no such rules are prescribed under Goa State Right to Information Rules. Nevertheless it is the opinion of this commission that Right to Information (RTI) is a personal right of the information seeker and therefore cannot devolve on the heirs or to anyone else.
5. In fact RTI is not a material thing to be passed on the legal heir or anybody else as a right to inherit as if it is a property. The legal heir or any other interested person can make a fresh application asking for the same information. The Commission accordingly holds that the proceedings abate on death of the appellant and as such the appeal case stands closed.

All proceedings in the Appeal case also stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner