

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

CORAM: Shri Juino De Souza: State Information Commissioner

**Complaint No.12/SIC/2011
Complaint No.83/SIC/2013 &
Complaint No.84/SCIC/2013**

Capt. Madhukar A. Sheldekar,
Dongarpur, Naikwado,
Calangute, Bardez – Goa.

..... Complainant

v/s

Public Information Officer,
Panchayat Secretary,
Village Panchayat of Calangute,
Calangute, Bardez – Goa.

Opponent/ Respondent

Relevant emerging dates:

Date of Hearing : 28-11-2018
Date of Decision : 28-11-2018

ORDER

1. Brief facts of the case are that Capt. Madhukar A. Sheldekar, the Complainant herein had filed the above mentioned three separate Complaint cases before the commission and pursuant to the notices dispatched the above three cases have come up for hearing on several previous occasions and it is seen from the roznama that the Complainant has remained absent since 20/10/2016.
2. During the hearing held on 28/11/2018, the Complainant is absent. The Respondent PIO, Secretary, V.P. Calangute, Shri Raghuvir Bagkar is present along with Advocate Prasad V Naik.
3. Shri Raghuvir Bagkar submits that the Complainant Capt. Madhukar A. Sheldekar, has since expired in year 2017-18 and that he has made several attempts to procure Death Certificate of the Complainant, however, since the exact date and place of the death is not known, as such the Death Certificate of the deceased cannot be produced before the Commission.

4. Shri Raghuvir Bagkar finally submitted that he has also visited the residence / house of the Complainant on two occasions and the neighbours have informed that Capt. Madhukar A. Sheldekar has passed away. The PIO accordingly requests the Commission to close Complaint case since the Complainant has expired. The PIO, Shri Raghuvir Bagkar also files a written statement dated 28/11/2018 signed by both the Respondent PIO and his Advocate confirming the facts which is taken on record.
5. The Commission is of the opinion that as the Complainant has expired, the Complaint 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'.
6. It is also observed that as per the UTTAR PRADESH RIGHT TO INFORMATION RULES, 2015 Rule 13(3). Andhra Pradesh Information Commission Management Regulations 2007 and in Regulation No 21 and Rule 35 of Jammu and Kashmir Right to Information Act, 2009 (Act No. VIII of 2009) state that the proceedings pending before the commission shall abate on the death of the Appellant/ Complainant.
7. 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.

8. 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 file a fresh RTI application asking for the same information.

The Commission accordingly holds that the proceedings abate on death of the Complainant Capt. Madhukar A. Sheldekar and as such Orders the closure of all the above mentioned three Complaint cases.

All proceedings in Complaint case stands 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