

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

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**Penalty 56/2017**  
**In**  
**Appeal No.12/2017**

Shri Santan Piedade Afonso,  
H.No. 263, Comba Central,  
Post Office Cuncolim, Salcete Goa.

.....Appellant

**V/s.**

1. Public Information Officer (PIO),  
Office of the Tourism Department,  
South Zone Office,  
Margao Goa.
2. First Appellate Authority (FAA),  
Office of the Dy. Director of Tourism,  
Panaji-Goa.
3. Public Authority,  
Directorate of Tourism,  
Paryatan Bhawan, Panaji Goa. ....Respondents

**CORAM:**

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

**Decided on: 06/03/2018**

**ORDER**

1. This Commission while disposing the above Appeal vide order dated 30/11/2017 had directed to issue show cause notice to the Public Authority i.e the Department of Tourism through its Director to showcause as to why it should not be ordered to compensate the appellant as contemplated u/s 19(8)(b) of the Right to Information Act, 2005. In view of the said order the proceedings should converted into penalty proceedings.
2. In pursuant to the said Showcause notice on behalf of Public Authority Shri Dhiraj Vagle appeared. Reply filed by public authority on 19/2/2018. Public Authority submitted that the main file bearing No. 5/5(1-317)96-DT containing relevant documents on the subject "Furtardo Guest House" was forwarded

to the head office (Department of Tourism–Panaji Goa) on 31/12/2009 vide file movement registered of South Zone Office of the Department of Tourism vide serial No. 1246 which was entered in Head office vide file movement register on 30/12/2009 vide serial No. 1125. It is further contended that efforts have been made and inventory of files is in progress to trace the said file in the Head office however the same have not been traced.

3. It was also contended that then PIO has filed police complaint with Margao police station on 13/5/2017 and , the said facts have been brought to the notice of his higher-ups .
4. It was also contended that inquiry in the said matter is in progress and facts finding of inquiry is necessary to file reply to showcause notice.
5. I have scrutinized the record available in the file and also considered the submissions of both the parties.
6. The appellant had sought for the said information somewhere in the year 2015 and till date it is reported by the public authority that the said file is not traced in the Head office. Such lapse has resulted in appellants approaching several authorities including this Commission. It is contention of the appellant that he had sought the said information in the larger public interest as according to him the licence have been used in another place by license and 54 units are illegally operated by said Furtado family.
7. If the correct and timely information was provided to the appellant, it would have saved his valuable time and hardship caused to him in pursuing the said appeal before different authorities. It is quite obvious that appellant has suffered lots of harassment and mental agony and torture in seeking information under RTI Act which is denied to him till date. If the public authority has preserved the records properly and if the PIO had taken prompt steps in providing the information, such an harassment and detriment could have been

avoided. It appears that the public authority itself was not serious in preservation of records. If such an attitude of public authority if taken lightly would definitely frustrated the very objective of the RTI Act itself and further obstruct in bringing transparency in the affairs of the public authority .

8. Public authority must introspect that non furnishing the information lands the citizen/information seeker before first appellate authority and also before this commission resulting into unnecessary harassment of a common man which is socially abhorring and legally impermissible , therefore some sought for compensation help in carrying the social grief, as such I am of the opinion that this is an fit case where request of the appellant for compensation appears to be genuine.
9. The reasons mentioned in the reply of public authority to showcase notice is not satisfactory and convincing.
10. The appellant herein have been made to run from Pillar to post in pursuant to his RTI Application. The said application was made in some where in the year 2015 and his pursuing the same till date. He had sought the said information in the larger public interest in order to highlight the irregularities and misuse of the licence issued by the Tourism Department to the family of Furtardo. The Right of the appellant is violated due to the non furnishing the information by the public authority. Considering the principals of general damage, I find this is an fit case for awarding, compensation to the Appellant which, notionally quantify as Rs. 5,000/-.
11. In the above circumstances, following order is passed:-

#### ORDER

- a) Public Authority concerned herein i.e. Directorate of Tourism is hereby directed to pay Compensation of Rs. 5,000/- to

appellant within three weeks from the date of receipt of the Order and thereafter to file compliance report to this Commission.

- b) The right of the appellant to seek same information from PIO free of cost is kept open after the said information is traced.

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

Ak/-