

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

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner

Appeal No. 178/2017

Shri Jawaharlal T. Shetye
 H.N. 35/A, Ward No, 11,,
 Near Sateri Temple, Khorlim,
 Mapusa-Goa -403 507

....Appellant

V/s

- 1) **The Public Information Officer,
 Mapusa Municipal Council,
 Mapusa-Goa – 403507**
- 2) **First Appellate Authority,
 Chief Officer, Mapusa Municipal Council,
 Mapusa-Goa 403507**

.....Respondents

Filed on: 3/11/2017

Decided on: 17/01/2018

ORDER

1. The appellant Shri. J. T. Shetye herein by his application dated 4/08/2017 filed under section 6(1) of Right To Information Act, 2005 sought certain information as stated therein from the Respondent No. 1 Public Information Officer (PIO) of Mapusa Municipal Council.
2. It is contention of the Appellant that the said application was not responded by Respondent PIO as such he preferred 1st appeal before the Chief Officer of Mapusa Municipal Council being First appellate Authority (FAA) on 11/09/2017.
3. It is contention of the Appellant that the Respondent No. 2 FAA did not dispose the First Appeal as such he was forced to approach this Commission by way of second appeal filed under section 19(3) of the RTI Act 2005 on 3/11/2017.
4. Notice were issued to both the parties. In pursuant to which appellant was present in person. Respondent PIO Nazeera Sayed appeared and filed affidavit on 1/01/2018 there by enclosing pointwise information to the Appellant.
5. Copy of the affidavit and information was furnished to the appellant on 3/01/2018 and the appellant was given

opportunity to place his grievances if any with regard to information furnished to him on 1/01/2018.

6. On subsequent date of hearing namely on 8/01/2018 the appellant submitted that he is satisfied with the information furnished to him. However he pressed for invoking penal provision for the delay in furnishing him said information.
7. Arguments were advanced by both the parties. I have considered the submission made on behalf of both the parties so also the records available in the file.
8. The prayer 2 of the memo of appeal becomes infructuous as the information is already furnished to appellant during the course of present proceedings. As such I find no intervention of this Commission is required.
9. Coming to the other aspects of appeal which pertains to the penalty. It is seen that the application was filed to the PIO on 4/08/2017. The Respondent PIO has contended at para 3 of affidavit that information at point no. 1, 2, 5 and 6 were provided by her vide her office letter no. EST/RTI/7787-2017 dated 17/10/2017. PIO is required to respond the same on or before 30th day. In the present case it is found that PIO is not responded to the said application of the appellant within stipulated period. From the records it is found that the 1st time that the information furnished after the 1st appeal was filed. Further it is seen that the appellant had sought information on 1 to 6 queries. On verification of reply dated 17/10/2017 given in terms of section 7 of RTI Act it is seen that only point No. 1, 2, 5 and 6 were replied and no reply was given to the remaining points. It appears that PIO has not explained reasons for not furnishing information at point No. 3 and 4. The same came to be furnished during the present proceedings on 1/01/2018. As such I hold that incomplete information was provided to the Appellant interms of section 7 of RTI Act, 2005. No explanation or reason is furnished by the PIO for not providing information promptly and completely. It is apparent from the records that the PIO did not take diligent steps in discharging responsibility under the RTI Act. The

above circumstances leads me to prima facie hold that this action of PIO attracts penalty under section 20 of the Act.

10. The record also shows that even though the 1st appeal was filed by the appellant before Respondent No. 2 the same was not taken up for hearing. The said act on the part of Respondent No. 2 FAA is in contravention against RTI Act. The said Act came into existence to provide fast relief and as such time limit is fixed under the said act to dispose the application under section 6(1) of RTI Act is within 30 days and to dispose 1st appeal is maximum within 45 days.
11. The act on the part of both the Respondents are condemnable. Considering the conduct of both the Respondents and their indifferent approach to the entire issue. I find some substances in the contention of the appellant. In the aforesaid circumstances I proceed to dispose this appeal with following order:-

ORDER

- a) Appeal partly allowed.
- b) Information being furnished to the satisfaction of the appellant, I find no intervention of the Commission required there too.
- c) However PIO, Smt. Nazeera Sayed to show cause as to why no action as contemplated under section 20(1) and 20(2) of the RTI Act, 2005 should not be initiated against her for contravention of section 7(1) of RTI Act, 2005, and for delay in furnishing the complete information. The reply to be filed by the PIO in person.
- d) The Respondent No. 2, FAA is hereby directed to be vigilant henceforth while dealing with the RTI matters and to strictly comply with provisions of section 19(1) of the RTI Act, 2005. Henceforth any further lapses on part of FAA in future will be viewed seriously.

- e) The Public Authority concerned herein i.e. Mapusa Municipal Council is hereby directed to implement provisions of section 4(1)(a) and 4(1)(b) of the RTI Act 2005 on priority basis.
- f) The matter fixed on 5/02/2018 at 10.30. a.m. for reply of the PIO on showcause notices.

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