

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

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

Appeal No. 180/2017

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 Muncipal Council,
Mapusa-Goa – 403507
- 2) **First Appellate Authority,**
Chief Officer, Mapusa Muncipal 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 2/08/2017 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 first appeal before the Chief Officer of Mapusa Municipal Council being First Appellate Authority (FAA) on 13/09/2017.
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 pressed for penal provisions.
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 appeal memo becomes infructuous as the information is already furnished 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 it is seen that application was filed on 2/08/2017. The said application was not responded by the Respondent PIO within time as contemplated under RTI Act. Under section 7(1) of the RTI Act. PIO is required to respond the same on or before 30th day. In the present case, it is found that the PIO has not responded to the application of the Appellant with the said stipulated period either by furnishing the said information or rejecting the request. It is also not the case of PIO that the information has been furnished to the Appellant or that she has responded to his application. The PIO has not given explanation for not responding the said application. From the records it is found that the 1st time the information furnished on 1/01/2018 and there is delay of approximately about 152 days in furnishing the information.
10. 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.
11. 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.

12. 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 is 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 showcause 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 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 and any such lapses in future shall 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

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