

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

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

Appeal No: 105/2018/SIC-I

Raghu Gomes,
 GPA 6/3, "A" Type,
 Alto Porvorim, Goa – 403 521.

..... **Appellant**

V/s

- 1) The Public Information Officer,
 Mamlatdar,
 Tiswadi Taluka,
 Panaji – Goa.
- 2) First Appellate Authority,
 Dy. Collector & S.D.O,
 Tiswadi,
 Panaji – Goa.

..... **Respondents**

Filed on: 3/05/2018
Decided on: 21/06/2018

ORDER

1. The brief facts leading to the present appeal is that the information seeker Shri Raghu Gomes herein by his application dated 22/01/2018 filed under section 6(1) of Right to Information Act, 2005 sought to know what action has been taken by the Mamlatdar of Tiswadi, Panjim-Goa on the letter dated 20/12/2017 of Additional Collector-I.
2. It is contention of the Appellant that the said application was not responded by Respondent Public Information Officer (PIO) as such he preferred 1st appeal on 26/02/2018 before the Respondent No. 2 Deputy Collector and SDO Tiswadi, Panjim-Goa being First appellate Authority (FAA).
3. It is contention of the Appellant that the Respondent No. 2 First Appellate Authority (FAA) failed to dispose the first appeal within stipulated time.

4. In this background the appellant has approached this Commission on 3/04/2018 by way of Second appeal filed under section 19(3) of RTI Act, 2005 thereby seeking directions to the Respondent No. 1 PIO for furnishing him the information as requested by him and for invoking penal provisions.
5. The matter was taken on the board and listed for hearing. In pursuant to the notice issued by this Commission the appellant appeared in person. Respondent PIO Ms. Sapana Bandodkar appeared. Respondent No. 2 First Appellate Authority (FAA) opted to remain absent despite of due service of notice.
6. During the course of hearing the PIO volunteered to furnish the said information to the appellant.
7. Accordingly Respondent No. 1 PIO filed reply on 21/06/2018 there by enclosing the information to the Appellant. Copy of the reply alongwith the enclosures was furnished to the appellant and he was given opportunity to place his grievances if any with regard to information furnished to him on 21/06/2018.
8. 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. He submitted that both the Respondents were not diligent in performing their duties under the RTI Act, 2005. And he has been made to run from pillar to post thereby causing great hardship to him.
9. Since the information is now furnished, during the course of the present proceedings I find no intervention of this commission is required for the purpose of furnishing information.
10. Further glaringly it can be noticed in the course of this proceeding that on the receipt of the notice of this appeal no explanation or the reasons is furnished by the PIO for not responding the application in terms of section 7(1) of RTI Act and for not providing information promptly.

11. Since it is contention of the appellant that first appellate authority failed to pass any order on the first appeal filed by him, opportunity was offered to the FAA but no reply is filed by the FAA denying the said contention.
12. From the records of the commission also finds that both the respondents has shown scant concern to the provisions of the Act. The act on the part on the both the respondents are not in conformity with the 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 u/s 6(1) of the RTI Act within 30 days and to dispose first appeal maximum within 45 days.
13. Both the respondent did not take diligent steps in discharging responsibility under the RTI Act. They should have kept in mind that the objective and purpose for which the said act came into existence. The main object of RTI Act is to bring transparency and accountability in the public authority and as such the Respondents were duty bound to implement the Act in true spirit.
14. 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. However I find the opportunity has to be granted to PIO to explain his version. 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 to showcause as to why no action as contemplated under section 20(1) of the RTI Act, 2005 should not be initiated against him/her for contravention

of section 7(1) of RTI Act, 2005, and for delay in furnishing the complete information. The reply to showcase notice to be filed by the PIO in person on 6/07/2018 at 10. 30. a.m.

- d) In case the PIO at the relevant time , to whom the present notice is issued is transferred , the present PIO shall serve this notice alongwith the order to him and produce the acknowledgment before this Commission or before the next date fixed in the matter alongwith the full name and present address of the then PIO.
- e) 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. Hence forth any further lapses on part of FAA in future will be viewed seriously.
- f) In exercise of my powers conferred under section 25(5) of the RTI Act, 2005, this Commission recommends that the Collector of North Goa District at Panjim Goa shall issue instruction to both the respondents to deal with the RTI matters appropriately in accordance with the provision of the said act. And any lapses on the part of the Respondent be considered as dereliction of duties.
- g) Copy of this order shall also be sent to Collector of North Goa District at Panjim-Goa for information and necessary action.

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