

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 143/SCIC/ 2012

Avghesh Kumar,
RTI Activist,
C/o, Saloni New Agency,
Safai-Itwa,
Uttarpradesh, 206 301

..... Appellant

v/s

1. Public Information Officer
Jt. Chief Electoral Officer,
Altinho, Panaji - Goa.
2. First Appellate Authority,
Chief Electoral Officer,
Altinho, Panaji-Goa.

... Respondents

Relevant emerging dates:

Date of Hearing : 30-01-2019

Date of Decision: 30-01-2019

ORDER

1. **Brief facts of the case** are that the Appellant Avghesh Kumar who is from Uttar Pradesh vide an RTI application dated 28/02/2012 in Hindi language addressed to the Election Commission of India (ECI), New Delhi, sought certain information under section 6(1) of RTI Act, 2005.
2. The information is at nine points and the Appellant is *inter alia* seeking certified copies of each measure taken by Commission to prevent illegal matters, like money power, muscle power and other at the district level and with compliance of this action taken at district level of the State during the General Assembly Elections 2012; to furnish details of Affidavit, income tax detail, criminal record with history of each candidate of Assembly State respectively in General Assembly Elections 2012; furnish detail of expenditure made by National parties on campaigning, campaigning agency and other sources of agency during General Assembly Election 2012 and other such related information pertaining to General Elections of the year 2012

...2

3. It is seen that the Election Commission of India transferred the RTI application under 6(3) of the RTI act to the PIO, O/o Chief Electoral Officer, Goa vide letter No.4/RTI/(Gen)/2012/Vol.I/828 dated 15/03/2012.
4. The Appellant finding that no information has been furnished by the PIO, O/o Chief Electoral Officer, Goa, filed a First Appeal on 24/04/2012 before the First Appellate Authority (FAA), District Returning Officer (DRO), North Goa and also finding that even after two months from the date of the RTI application the information has not been furnished and the fact that the First Appellate Authority (FAA) has not passed any Order, subsequently filed a Complaint before the Central Information Commission and Central Information Commission vide letter dated 25/07/2012 has transferred the Complaint of the Appellant to the State Information Commission, Goa and which has been registered as a Second Appeal on 31/01/2012.
5. **HEARING:** This matter has come up before the Commission on numerous previous occasions and hence it is taken up for final disposal. During the hearing the Appellant is absent. It is seen from the Roznama that the Appellant has remained absent right since right since 07/11/2012 onwards and it appears that the Appellant is not interested to pursue his Appeal case. The present PIO, Shri Devidas Gaonkar, Joint CEO O/o Chief Electoral Officer is present on his own behalf and also on behalf of FAA.
6. **SUBMISSION:** The PIO submits that he came to know of the matter only after receiving notices from the State Information Commission and thereafter has collected a copy of the papers contained in the entire file and has perused the same. The PIO further submitted that the transferred RTI application was not received in the Office of Chief Electoral Officer Goa and as such it could not be processed and that the ECI has transferred the RTI application to the Chief Electoral Officer of Goa, Manipur, Punjab, and Uttar Pradesh.

7. The PIO also submitted that although the Appellant filed a First Appeal with the Collector, North Goa on 24/04/2011 and whereas the Second Appeal was filed with Central Information Commission and which case was transferred on 25/05/2012 to Goa State Information Commission.
8. The PIO finally submits that this case pertains to Goa Assembly Election of 2012 and thereafter fresh assembly elections were held in 2017 and all records of the earlier assembly elections of 2012 were disposed/weeded out as per provision of the Representation of People's Act (R.P. Act 1950) including Conduct of election Rules 1961, notification of ECI dated 15/05/2012. The PIO files a detailed reply dated 30/01/2019 with enclosures including Official Gazette series II no 40 dated 11/01/2017.
9. **FINDINGS:** The Commission finds that this matter pertains to the assembly elections of the year 2012 and after which fresh Assembly Election were held in July 2017. As the papers/records of the earlier assembly elections of the year 2012 have been disposed /weeded out as per Order as per the provision of the Representation of People's Act (R.P. Act 1950) and Conduct of election Rules 1961, notification from Election Commission of India dated 15/05/2012 and notification in the Official Gazette series II no 40 dated 11/01/2017 as such the Commission is unable to issue directive to furnish information at this stage.
10. **DECISION:** The Appellant was given sufficient opportunity to appear before the Commission and present his case, however he has failed to avail the opportunities and perhaps is not interested to receive the information as it has become infructuous. It is also seen that no reply nor written submission have been filed by the Appellant regarding the said Appeal case. Consequently the prayer of the Appellant stand rejected.

With these observations Appeal case stands disposed.

All proceedings in Appeal 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