

# **GOA STATE INFORMATION COMMISSION**

Kamat Towers, seventh Floor, Patto, Panaji, Goa

**Shri Prashant S. P. Tendolkar,**  
State Chief Information Commissioner

**Appeal No.196/SCIC/2017**

Fr. Jacinto Rodrigues,  
H. No. 242, Calvaddo,  
Cavelossim, Salcete Goa.

..... Appellant.

V/s

The Public Information Officer,  
The Secretary,  
Village Panchayat Cavelossim,  
Cavelossim –Goa.

..... Respondent

Filed on:20/11/2017

Decided on: 14/05/2019

## **O R D E R**

1) The appellant has filed the present appeal on account of his failure to receive the information as sought by him vide his application u/s 6(1) of The Right to Information Act 2005 (Act for short) In response to his said application the PIO by his response, dated 02/07/2017 has furnished part of the information. To some of the requirements it was stated that the information was not available. Pursuant to the order passed by the First Appellate Authority (FAA) the PIO furnished the same reply as was given u/s 7(1) of the Act.

2) After issuing notice to the parties and their appearance before this Commission, the PIO filed his reply. According to him information at points (g) (i), (j), (k), (n) and (o) of the application were not furnished as they were not traceable in the Panchayat records. On careful scrutiny of the pleadings, more particularly the application u/s 6(1) and the reply of

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PIO u/s 7(1) of the act, it was found that in addition to said points even the information to other points were partly furnished. Hence in order to have the evidence on the fact of non availability of records, the PIO was directed to file affidavit to prove the non availability. Such affidavit was filed. Subsequently at the instance of this Commission parties were directed to have joint inspection of records. Thus with the indulgence of the then PIO and the present PIO jointly with the appellant and the advocates an inspection was conducted. The appellant has filed confirmation of having inspected the records.

3) Additional affidavit of the PIO was sought seeking point wise clarification of the application which was accordingly filed by the PIO. The PIO also filed on record copies of additional information which was collected after conducting joint inspection Arguments of the parties were heard.

4) Adv. C. Fernandes, by meeting the affidavit of the PIO and the copies of enclosed additional information submitted that the appellant has been pursuing his application since June 2017. The reply to the said application was incomplete and sketchy and hence he had to file first appeal. Further according to him even after order of FAA no additional information was given nor any fresh efforts were taken to trace records. It is only in this second appeal and that too after joint inspection as ordered that attempts were made to trace records. He further submitted that the appellant is a senior citizen and has to visit several authorities and to spend his time. He had to also incur expenditure for engaging services of an advocate which could have been

Sd/-

...3/-

avoided in case he was provided with information earlier. By relying on the order passed by this Commission in penalty No.55/2017, he submitted that the appellant should be granted compensation under the act.

Adv . I Kurtikar for PIO submitted that as the some records of the information were not available then it was not furnished and that during search some of the records were available and hence are furnished now.

5) Perused the records and considered the submissions of the parties, the act envisages that the information which is required to be disseminated under the act is the one as it exist. In the present case there is no dispute that after joint inspection some further information could be traced. Some of the information is not furnished as it is not maintained, though is required to be maintained by the public Authority in the course of its function. Section 113A of the Goa Panchayat Raj Act 1994 prescribes for receiving and maintenance of records and registers. The duty for such maintenance of records lies with the Secretary. Apparently there appears to be no adherence to these requirements. Had it been strictly adhered to, the efforts of the appellant in securing the information would have been reduced. I therefore find some force in the submissions of Adv. C. Fernandes that due to the lapse of the respondent Authority in not maintaining the record in the prescribed way that the appellant had to incur expenditure and spend time.

6) In the above circumstances, I find that, though the appellant has not produced specific evidence for compensation, he is required to be compensated notionally. I find that an amount of Rs. 4000/- would be adequate to compensate the appellant.

Sd/-

...4/-

7) In the background of the above facts, and in exercise of my powers granted u/s 19(8)(b) of The Right to Information Act 2005 I hereby direct, V. P. Cavlossim, to pay to the appellant a sum of Rs. 4000/- (Rupees Four thousand only) within fifteen days from the date of receipt of this order against a receipt as compensation.

Copy of this order be furnished to parties. A copy be also sent to the Secretary Village Panchayat of Cavlossim 403731 for information and compliance.

Proceedings closed.

Pronounced in open hearing.

Sd/-

**(Shri. P. S.P. Tendolkar)**

Chief Information Commissioner  
Goa State Information Commission  
Panaji -Goa

To  
The Secretary  
Village Panchayat of Cavelossim  
Cavelossim 403731.

**(Shri. P. S.P. Tendolkar)**  
Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa