

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No.202/2019/SIC-II**

Shri. Santana Piedade Afonso  
H. No. 263, Comba-Central  
P.O. Cuncolim, Salcete – Goa.  
403703

**... Appellant**

**v/s**

1. Public Information Officer,  
Shri. Agnelo A.J Fernandes,  
Office of the Additional Collector– I,  
4<sup>th</sup> Floor, Mathany Saldhana  
Administrative Complex,  
Margao – Goa.403601.
2. Public Information Officer,  
Shri. Surendra F. Naik,  
Office of the Additional Collector– II,  
4<sup>th</sup> Floor, Mathany Saldhana  
Administrative Complex,  
Margao – Goa. 403601.
3. First Appellate Authority,  
Shri. Ajit Roy (IAS),  
Office of the Collector & District  
Magistrate, 4<sup>th</sup> Floor, Mathany  
Saldhana Administrative Complex,  
Margao – Goa. 403601.

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing : 09-12-2019**

**Date of Decision : 09-12-2019**

**ORDER**

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 27/03/2019 sought certain information under Section 6(1) of the RTI Act, 2005 from Respondent PIO, O/o Mamlatdar Salcete, Taluka Margao-Goa. The Appellant is seeking information from points (a) to (g) and the information includes Tenancy Declaration order, Mutation No. 400 as per the Form I & XIV of Sy. No. 106/12, 14, 16 and 18, copies of the inventory list of all Mutation files held by the Village talati of Dramapur, Flow Chart/ Organization of the Mamlatdar of Salcete Taluka, to state whether the CCTV Camera.....

...2

.....are working in the Office of the Mamlatdar of Salcete Taluka. If yes, give me the CCTV Footage recorded by both CCTV Cameras today, i.e 27/03/2019 between 10.30 am to 13.15 pm where all mamlatdar staffs sit on a CD format, copy of list of all Talathi's of Salcete Taluka, copies of the Income Tax Returns filed by all three Circle Inspector (CI) and other such related information as contained in the RTI application therein.

2. It is seen that the Mamlatdar of Salcete, Margao vide letter No.MAM/SAL/HC/RTI/5234/2019/1335 dated 08/04/2019 transferred the RTI application to the PIO, Collector, Civil Administration Branch, Collectorate of South, Margao Goa. It is further seen that the PIO vide letter No.60/5/MISC/2017/CAB/RTI/5762 dated 08/05/2019 furnished information with respect to 'C' and the PIO, Addl. Collector-I, South Goa District, Margao informed the Appellant that the C.C.T.V. Camera in the office of the Mamlatdar of Salcete Taluka were not working on 27/03/2019 between 10.30 a.m. to 13.15 pm as informed by the electrician.
3. Not satisfied with the reply furnished by the PIO at point 'C' of the RTI application, the Appellant filed a First Appeal on 31/05/2018 and the FAA vide letter No. 12/221/2017-EST/RTI/MISC/6963 dated 11/06/2019 informed the Appellant that the RTI application pertains to PIO, Mamlatdar Salcete and the First Appellate Authority (FAA) is the Dy. Collector and SDO, Salcete and has thus returned the First Appeal memo back to the Appellant to pursue the same with the concerned Appellate Authority.
4. Being aggrieved that the FAA has returned back the First Appeal, the Appellant filed a Second Appeal before the Commission registered on 26/06/2019 and has prayed to impose penalty against the Respondent PIO, Shri. Agnelo A.J. Fernandes, Addl. Collector -I,.....

.....who had impersonated as in-charge of the CAB Section of the Collectorate, south Goa, Margao Goa and to direct the FAA Shri. Ajit Roy (IAS), Collector and District Magistrate, Margao to file action taken report /legal action against the Additional Collector-I and II for giving false & fabricated information and for fine and other reliefs.

5. **HEARING:** During the hearing the Appellant Shri. Santana Piedade Afonso is present in person. The Respondent No. 1 & 2 are both represented by Shri. Rupesh V. Dessai, UDC, O/o Addl. Collector-II, Margao who files a letter of Authority which is taken on record. The representative for the PIO, file two replies by Shri. Surendra Naik, PIO & Add. Collector II, and Shri. Prasanna Acharya, PIO & Addl. Collector-I, Margao respectively which are taken on record. One copy is served on the other side. The FAA is absent.
6. **SUBMISSION:** At the outset the Appellant submits that he is interested in receiving information only at point 'C' of the RTI Application which is regarding whether the CCTV Camera are working in the Office of the Mamlatdar of Salcete Taluka and if yes to, provide the CCTV Footage recorded by both CCTV Cameras today, i.e 27/03/2019 between 10.30 am to 13.15 pm where all mamlatdar staff sit on a CD format.
7. It is further submitted that the information given to the Appellant is by the PIO, Addl. Collector –I instead of PIO, Addl. Collector-II and the information states that CCTV Camera in the office of Mamlatdar, Salcete Taluka were not working on 27/03/2019 between 10.30 a.m. to 13.15 pm and which is a false information.
8. The Appellant also submits that he filed a First Appeal before the FAA i.e Collector, South Goa District, and the Addl. Collector–II who is not the First Appellate Authority (FAA) returned back the First Appeal memo without hearing the same. The appellant submits that the Camera is not working for the last three years and that the electrician has nothing to do with CCTV which is monitored by the security system.

9. The representative for the PIO files two replies signed by PIO, Addl. Collector-II, Shri. Surendra Naik and also by PIO, Addl. Collector-I, Shri. Prasanna Acharya both dated 06/12/2019 which are taken on record and one copy of each is served on the other side.
10. The representative for the PIO points out to reply filed by the Addl. Collector-I where it is stated that the contention of the Appellant is not correct because as per the list of appointment of the PIO's, in the CAB Section, it is the Addl. Collector-I who is notified as the PIO and as such there is no question of Add. Collector -I having impersonated as the in-charge of CAB section and which is a false submission. Since the Addl. Collector-I is the PIO for CAB Section and reply given by the Addl. Collector-I is in his capacity as the PIO.
11. The representative for the PIO also submits that the Addl. Collector - II has stated in his reply that Addl. Collector-II is link officer of Addl. Collector-I and further regarding the contention of the Appellant that the Addl. Collector -II has returned the First Appeal memo without hearing him this is also incorrect.
12. It is submitted that the original RTI application was filed before the Mamlatdar of Salcete and as such the First Appeal lies before Dy. Collector and SDO, Salcete and not before the Addl. Collector-II and which is why the said First Appeal memo was returned back to the Appellant so as to file the same before the Dy. Collector and SDO and that there are no malafide intentions whatsoever on the part of the PIO.
13. At this juncture the Appellant per contra argues that there are no boards displayed in the Collector's office notifying the list of PIO's and the FAA's which is mandatory and the list of PIO's and FAA's are now given before the Commission.
14. **FINDINGS:** The Commission after hearing the submission of the Appellant and perusing the reply..... ...5

..... filed by both PIO's, Addl. Collector-I and Addl. Collector-II both dated 06/12/2019 comes to the conclusion that the PIO, Addl. Collector -I has correctly furnished the information at point 'C' that CCTV Cameras were not working on the respective dates and the time as mentioned in the letter No.60/5/MISC/2017/CAB/RTI/5762 dated 08/05/2019. Also the Appellant himself admitted that Camera in the office of Mamlatdar is not functional since past three years.

15. The Commission further finds that the Addl. Collector-II has also correctly returned the First Appeal memo back to the Appellant as the same was not filed before the correct First Appellate Authority who is the Dy. Collector and SDO being the next higher officer to the Mamlatdar Salcete.
16. **DECISION**: The Commission accordingly comes to the conclusion that as the information at point 'C' was furnished by the PIO vide letter dated 08/05/2019, it is sufficient to prove the bonafide that there are no malafide intentions on the part of the PIO to either deny or conceal the information. **Nothing further survives in the Appeal case which stands disposed.**
17. The Public authority is directed to ensure that boards are displayed at prominent locations in the South Goa Collectorate notifying the list of PIO's and FAA's. The Collector, South Goa should also ensure that the CCTV camera's is in working condition.
18. With these directions 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**

*The Registrar is directed to send a copy of the Order to the Collector, South Goa and Secretary (Revenue) Department for implementation of the display of the boards.*

