

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

Appeal No.03/2020/SIC-I

Shri Damodar . S.Divkar.
H.N. 229/, Near Shri maruti temple,
Head land Sada, Mormugao.Appellant

V/s

- 1) The Public Information Officer (PIO),
Village Panchayat Socorro,
Porvorim, Sabnis Valley,
Penha De Franca,Goa.
- 2) First Appellate Authority (FAA),
Village Panchayat Socorro,
Porvorim , Sabnis Valley,
Penha De Franca,GoaRespondents

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

Filed on: 24/12/2019
Decided on: 14/02/2020

ORDER

1. Brief facts of the present proceedings as put forth by appellant are as under :-
 - a) In exercise of right under section 6(1) of right to information Act, 2005 the appellant Shri Damodar Divkar filed application on 11/10/2019 seeking certain information from the Respondent public information officer of the Village Panchayat of Socorro on 06 points as stated therein in the said application.
 - b) Vide said application dated 11/10/2019, the appellant had sought for following information.
 - i. Guidelines and mandatory requirements of documents for issue of restaurant and bar licenses.

- ii. No of days time limit require by the Panchayat after submission of application to issue the NOC bar and restaurant .
- iii. No of restaurant and bar licenses in the area with its proper details
- iv. No. of applications and its proper details received by the Panchayat for bar and restaurant NOC.
- v. No. of applications pending before the Panchayat for bar and restaurant NOC stating the reasons of delay for permissions if there is any till the date with its proper details .
- vi. No. of bar and restaurant licenses under the violations of guidelines and absent of mandatory requirement documents and in active /working/running business in this area.

c) It is contention of the appellant that his above application was not responded by the Respondent PIO interms of sub-section(1) of section 7 of RTI Act , 2005 neither provided him the informtion as sought by him within stipulated time of 30 days as contemplated under the Act.

d) It is contention of the appellant that as the information as was sought by him was not furnished to him, as such he filed first appeal interms of sub section (1) of section 19 of RTI Act on 14/11/2019 before the Chief Executive Officer of Village Panchayat Socorro.

e) It is contention of the appellant that the Respondent no. 2 failed to disposed of his first appeal within mandatory period of 45 days and therefore he is preferring second appeal before this commission under the provisions of RTI Act, 2005.

2. In this background the present appeal has been filed by the appellant on 24/12/2019 interms of sub-section (3) of section 19

of the RTI Act,2005 on the grounds raised in the memo of appeal with the contention that information is still not provided and seeking order from this Commission for providing him information as sought by him, for compensation and also for invoking penal provisions .

3. The matter was taken up on board and listed for hearing. In pursuant to notice of this commission appellant was present in person. Respondent PIO Shri Satish Gauns present alongwith Advocate Francisc A. D'Souza. Notice issued to Respondent No.2 return unserved with endorsement "Not known".
4. The Advocate for the Respondent PIO on behalf of Respondent no. 1 PIO assured to furnish the due information to the appellant and accordingly the same was furnished to the appellant on 14/2/2020. The appellant on verification of the information submitted that the same is furnished as per his requirements . He further submitted that as his main intention was to receive the information and since the information now been provided he is not pressing for penal provision. Accordingly endorsed his say on the memo of appeal.
5. Since available information have been now furnished to the appellant, free of cost as per the requirements of the appellant, I find no further intervention of this commission is required for the purpose of furnishing information and hence prayer(I)becomes infructuous.
6. Before parting the Commission hereby observes that the PIO have not acted with conformity with the provisions of the RTI Act and there is a contravention of provision of sub-section (1) of section 7 of RTI Act,2005.
7. If the correct and timely information was provided to the appellant, it would have saved valuable time and hardship caused

to the appellant herein in pursuing the appeal before the different authorities. It is quit obvious that the appellant has suffered lots of harassment and mental touchier in seeking the information under the RTI Act. If prompt and correct information was provided at the initial stage itself, such harassment and detriment could have been avoided.

8. There is delay in furnishing complete information. However as there is nothing on record showing that such lapses on the part of the Respondent PIO is persistent, the commission takes a lenient view in the present proceedings and Respondent No. 1 PIO is here by admonished and is directed to be vigilant hence forth while dealing with RTI matter. Any lapses if found on the part of such officer who acts as a barrier in smooth implementation of the Act, will be viewed seriously and shall be dealt sternly henceforth.
9. It need to mention that section 4 of the Act casts an obligation on all public authorities to maintain records duly computerised and connect through network. Said provision also requires public authorities to publish certain information in the prescribed format and update the same periodically. If such an exercise is undertaken by the Respondent authority herein, then such disseminated information would be beyond the purview of the Act. It is noted that inspite of the said obligation on the Respondent authority and direction of this commission from time to time, the Respondent authority has failed to comply with said requirement, thereby compelling not only appellant but citizens at large to have the information in physical form by filing applications.
10. The Hon'ble High Court of Bombay at Goa Bench in PLI writ petition No. 42 of 2019; Roshan Mathias V/s Village Panchayat of Candolim had directed the public authority i.e the Village Panchayat Candolim to comply its obligation interms of section

4(1)(b) of the RTI Act as expeditiously as possible within a period of 6 months.

11. The observation made by the Hon'ble High Court and the ratios laid down in the case of Roshan Mathias(Supra)are also applicable to the public authority concerned herein.
12. The public authority concerned herein i.e the Village Panchayat of Sucorro, Bardez-Goa is hereby directed to comply with section 4 of RTI Act,2005 within 6 months in case the same is not complied.

With the above directions ,the appeal proceedings stands closed.

Pronounced in the open court. 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.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa.