

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

Appeal No. 50/2020/SIC-I

Shri Nazareth Baretto,
Agriculturist ,Indian National,
Resident of H.No. 126, Borda,
Margao, Salcete-Goa.

....Appellant

V/s

1) The Public Information Officer (PIO),
Administrator of Comunidades,
South Zone, Margao, Salcete-Goa.

.....Respondent

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

Filed on:05/02/2020

Decided on:25/06/2020

ORDER

1. The Appellant, Shri Nazareth Baretto has filed the present appeal on 5/2/2020 praying that the Information as requested by the Appellant in his application dated 19/8/2019 be furnished to him correctly and for invoking penal provisions and compensation.
2. The brief facts leading to the second appeal are as under:
 - a. That the Appellant, vide his application, dated 19/8/2019 addressed to the Respondent Public Information officer (PIO) of the office of Administrator of Comunidades , South Zone, Salcete-Goa, requested to furnish information on 3 points pertaining to Comunidade of Davorlim, as stated therein in a said application. The Said information was sought in exercise of his right u/s 6(1) of RTI Act, 2005.
 - b. Vide said application the Appellant has sought the following information;

- i. Copy of the names which are referred to the Government by Escrivao for recommendations to the posts in the Managing Committee of Comunidade of Davorlim for the triennium years 2019-21.
 - ii. Copy of the inward to the Revenue Secretary by which the names are referred to the Government by Escrivao for recommendations to the posts in the Managing Committee of Comunidade of Davorlim for the triennium years 2019-21.
 - iii. Copy of noting and the Administrators approval to the recommendations to the names which are referred to the Government for the posts in the Managing Committee of Comunidade of Davorlim for the triennium years 2019-21.
- c. It is the contention of the Appellant that his above application filed in terms of sub section 1 of section 6 was not responded by the Respondent Public Information Officer (PIO) within stipulated time of 30 days neither the information was provided to him till this date and as such deeming the same as rejection, the Appellant filed 1st Appeal to the Collector at Margao, Goa on 18/10/2019 being First Appellate Authority.
- d. It is the contention of the Appellant that notices of the said Appeal was given to both the parties however the Respondent PIO have failed to remain present despite of due service of notice to him.
- e. It is the contention of the Appellant that First Appellate Authority, disposed his First Appeal on 29/11/2019 directing the Respondent PIO to furnish desired information to the Appellant.
- f. It is the contention of the Appellant that even after the lapse of more than 2 months from passing of the order the

Respondent PIO have failed to provide the information as directed vide order dated 29/11/2019.

3. In the above background the Appellant being aggrieved by action of PIO has approached this commission in this Second Appeal u/s 19(3) of the Act with the contention that the information is still not provided and seeking order from this commission to direct the PIO to furnish the information as also for invoking penal provisions as against Respondent PIO so also sought compensation for the detriment suffered by him at the hands of Respondents.
4. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the parties, pursuant to which Appellant was present in person alongwith Advocate Umesh Mangeshkar. Respondent PIO was represented by Shri Vivek Desai.
5. During the hearing on 12/3/2020 the due information was submitted by the representative of Respondent PIO to the Advocate for the Appellant which was duly verified by the Advocate for the Appellant and endorsement of having received the information have been made by him on memo of Appeal.
6. Since the information have now been provided to the Appellant as per his requirement, I am of the opinion that no intervention of this commission is required for the purpose of furnishing the information and hence the prayer (a) becomes infructuous.
7. The matter was fixed on 24/3/2020 for arguments . However due to the lockdown in view of Covid-19, the hearing could not be taken place hence fresh notices were issued to both the parties after the lockdown was lifted and the matter was then fixed on 25/6/2020 for arguments and for order .
8. In pursuant to the fresh notice ,the Appellant was present in person, the Respondent PIO opted to remain absent despite of

due service of notice . Hence the arguments of the Appellant were heard.

9. It is his contention of the Appellant that great hardship has been caused to him and lots of his valuable time have been wasted in pursuing the said application/information which was sought by him and on that ground he sought relief of invoking penal provisions.
10. On perusal of the records, it is seen that the application dated 19/8/2019 was filed and received by the Office of Respondent PIO on 19/8/2019 itself. Under section 7(1) of the Act, the PIO is required to respond the same within 30 days from the said date. The Respondent PIO have not placed on record any documentary evidence of having adhered to section (7) of RTI Act, 2005.
11. The Respondent PIO have not produced any documentary evidence on record of having complied the order of First Appellate Authority.
12. The information was sought on 19/8/2019 and was furnished only on 12/3/2020 during the present second appeal proceedings. There is a delay in furnishing the information.
13. The Respondent have not acted in conformity with the provisions of RTI Act. It is quite obvious that Appellant has suffered lots of harassment and mental agony in seeking the information and pursuing the matter before different authorities. Such a conduct by the Respondent is obstructing transparency and accountability appears to be suspicious and adamant vis-a-vis the intent of the Act. Hence the Act on the part of the Respondent herein is condemnable. Since there is no cogent and convincing evidence on record produced by the Appellant, that such lapses on the part of Respondent PIO are persistence, and done with malafide intentions hence a lenient view is taken in the present proceedings

14. As there is no evidence produced on records by the Appellant of detriment or losses suffered by him, the relief of compensation sought by the Appellant cannot be granted.
15. In the above circumstances and in the light of the discussions above I dispose off the above appeal with the following:

ORDER

- a) Appeal partly allowed.
- b) Since the information have now been furnished to the Appellant, no intervention of this commission is required for the purpose of furnishing the information and as such prayer (i) becomes infructuous.
- c) The Respondent PIO is hereby admonished and directed to be vigilant henceforth while dealing with the RTI matters and to strictly comply with the provisions of the Act. Any lapses found on his part in future will be viewed seriously.
- d) Rests reliefs are rejected

With the above directions, the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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