

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No : 262/2019/SIC-II

Kashinath Jairam Shetye,
A-102, Raj Excellency,
Patto, Ribandar Goa. 403 006.

..... Appellant

v/s

1. Public Information Officer,
Secretary, Village Panchayat of
Curti Khandepar,
Ponda Goa.

2. The First Appellate Authority,
Block Development Officer,
Ponda – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 20-12-2019

Date of Decision : 03-01-2020

ORDER

1. **Brief facts** of the case are that the Appellant had filed 19 separate RTI applications all dated 11/05/2019 seeking certain information u/s 6(1) of the RTI Act, 2005 from the PIO, Secretary, Village Panchayat Curti Khandepar, Ponda –Goa.
2. In the present RTI Application, the Appellant is *inter alia* seeking information regarding certified copies of all the documents signed by Sarpanch from 01/01/2015 to 01/05/2019 functions, procedure for execution of works, classification of works, classification as per funding of works, pre-requisites for execution of works, works of inescapable nature, Administrative approval, Expenditure sanctions, Technical Sanction, Appropriation and re-appropriation 'pre-construction' and construction stages, completion of works, taking up of deposits works , powers to undertake works, realization of deposits, transfer of deposits, execution of deposit works and settlements of accounts.
3. It is seen that the PIO vide a common letter No. 02/VPCC/2019-2020/257 dated 17/05/2019 transferred the present RTI Application along with the other RTI Applications u/s 6(3) to the PIO, Directorate of Panchayat, Junta House, Panaji – Goa.

...2

4. It is further seen that in the meanwhile the PIO, Directorate of Panchayat re-transferred the present RTI application along with other RTI Applications back to the PIO, Secretary, Village Panchayat, Curti-Khandepar, Ponda-Goa vide a common Memorandum No.26/87/DP/RIA/2019/2936 dated 04/06/2019 informing the PIO that all the information is related to the Village Panachayat Curti Khandepar and to dispose off the request as per section 7(1) of the RTI Act, 2005.
5. It is seen thereafter that the PIO, Secretary, Village Panchayat Curti-Khandepar, vide one common reply No.VPCC/RTI/2019-20/421 dated 03/06/2019 informed the Appellant that the desired information is ready for Xeroxing and requested to deposit Rs. 1,37,050 for all the 19 RTI Applications in the Office so that the information is made ready.
6. Not satisfied with the one common reply given by the PIO, the Appellant filed a First Appeal on 17/06/2019 and First Appellate Authority (FAA) vide order dated 19/07/2019 allowed the appeal and directed the PIO to consider the present RTI Application and to furnish information point-wise to the Appellant available in the Panchayat records within 07 days. It is seen that at the level of FAA also the PIO gave a detailed common reply vide letter no. VPCC/RTI/2019-20 dated 02/07/2019 giving the breakup of Rs. 1,37,050/- of all information sought in all the 19 RTI Applications.
7. Being aggrieved that despite the order of the FAA, the PIO has not furnished information, the Appellant has filed the present Second Appeal before this Commission registered on 19/08/2019 and prayed to direct the PIO to furnish the information free of cost as per section 7(6) and to impose penalty and other such reliefs.
8. **HEARING:** During the hearing the Appellant Kashinath Jairam Shetye is present in person. The Respondent PIO, Shri. Gokuldas Kudhalkar, V.P Secretary, Curti Khandepar is also present in person.

9. **SUBMISSIONS:** The Appellant submits that he had filed 19 separate RTI applications and whereas the PIO has given one common standard reply in all 19 RTI applications. It is the contention of the Appellant that the PIO should have given specific separate replies to each of the RTI application furnishing point-wise information and which was not done.
10. Mr. Kashinath Shetye further submits that he had filed 19 separate First Appeals and First Appellate Authority has passed 19 separate Orders with respect to all the 19 First Appeals directing the PIO to furnish the information and which the PIO has not complied.
11. The Appellant vehemently argues that had the public authority displayed all information on its website then there was no necessity for him to have filed the 19 separate RTI applications and there is gross negligence and failure on the part of the public authority not to implement section 4(1)(a) and 4(1)(b). The Appellant furnishes the copy of High Court order in matter of Writ Petition No.42/2019, Roshan Luke Mathias V/s Village Panchayat of Candolim wherein it has been clearly stated that compliance of Section 4 should be duly discharged. A copy of the High Court order is taken on record.
12. The Appellant requests that directions be issued to the Director of Panchayat / appropriate Government to implement Section 4(1)(a) & 4(1)(b) and ensure that Government websites are updated regularly.
13. The Respondent PIO submits that as all 19 RTI applications were inwards on one and the same day dated 16/05/2019 and as such in good faith he gave one standard reply by referring to all 19 applications and that there was no malafide intentions on his part not to furnish the information. The PIO further submits that the Appellant was asked to pay an amount of Rs.1,37,050/- and collect the information which was not done. It is further submitted that Appellant had approached the FAA, by filing 19 separate First Appeals and that the First Appellate Authority has directed to furnish the information.

14. The PIO further submits that pursuant to the Order of the First Appellate Authority, he had issued another one consolidated common letter dated 26/07/2019 giving breakup of the rates for the information to be supplied and also the total number of copies of documents to be furnished. The PIO files a detailed reply, a copy of which is taken on record. One copy is served on the other side.
15. **FINDINGS:** The Commission after perusing the material on record and hearing the submissions of the respective parties finds that the PIO had transferred the present RTI application along with other RTI Applications (totally 19 in number) of the appellant u/s 6(3) the very next day i.e on 17/05/2019 after the same were collectively inwards by the Appellant on one and the same date i.e 16/05/2019 to the PIO, Directorate of Panchayat, Junta House, Panaji-Goa. The Commission also finds that after the PIO, Directorate of Panchayat had re-transferred all the 19 RTI applications back to the PIO, Secretary, Village Panchayat Curti Khandepar, Ponda – Goa, the same were promptly replied by the said PIO, Secretary, V.P. Curti Khandepar on 03/06/2019 calling upon the Appellant to pay an amount of Rs 1,37,050/- and as such there is no delay on the part of the PIO.
16. The Commission further finds that the FAA in his order dated 19/07/2019 with respect to the First Appeal had directed the PIO to furnish detail point-wise information as available in the panchayat records. The FAA however has not made any mention in his order that the information should be furnished free of cost.
17. It is the contention of the Appellant that the PIO should have given specific separate replies to each of the RTI application furnishing point-wise information and which was not done. In this context the Commission finds that as all the 19 RTI applications were inwards by the Appellant on one and the same day i.e 16/05/2019 as such in good faith the PIO gave one standard reply by referring to all 19 applications and therefore the PIO is entitled for protection u/s 21 of the RTI act 2005.

18. **DECISION**: No intervention is therefore required with the order of the First Appellate Authority (FAA), the PIO is directed to furnish point-wise information in the present RTI application as also in the other RTI applications separately after notifying the estimated cost for providing information documents to the Appellant within 15 days of the receipt of this order. The Appellant may approach the office of the PIO and collect the information documents after making payment of the necessary charges, if he so desires. The PIO shall proceed to Xerox the copies of information documents only after receipt of payment of the estimated cost by the Appellant. With these directions the Appeal case stands disposed. Consequently the prayer of the appellant for issuing information free of cost and for penalty stands rejected.
19. Before parting, the Commission finds that the Appellant was compelled to file RTI applications seeking information because of the failure on the part of the public authority not to implement section 4(1)(a) and 4(1)(b). The Appellant has also produced a High Court order in matter of Writ Petition No.42/2019, Roshan Luke Mathias V/s V.P of Candolim.
20. The Commission accordingly directs the Director of Panchayat who is the Head of the Department (HOD) having control over PANCHAYATS to ensure that each and every Village Panchayat has a well formatted and user friendly website displaying all information held with the public authority in the public domain while also taking steps to implement Section 4(1)(a) & 4(1)(b) more so, in view of the Order passed by the Hon'ble High Court of Bombay at Goa in Writ Petition No.42/2019. This will not only help reduce RTI applications but lead to better transparency, accountability and openness of governance.

With these observations all proceedings in the 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

