

# GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in)

Website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

## Appeal No. 103/2020

Mr. Oswald H. Pinto,  
Editor of Debates,  
Goa Legislature Secretariat,  
Porvorim – Goa  
v/s

..... Appellant

1)Ms. Namrata Ulman,  
Secretary,  
Goa Legislative Assembly,  
Secretariat, Porvorim – Goa  
First Appellate Authority, under RTI Act, 2005

2)Shri U.D. Bicholkar,  
Asst Public Information Officer/  
Committee Officer,  
Goa Legislature Secretariat,  
Porvorim – Goa.

3)Shri Mohan Gaonkar,  
PIO/Under Secretary,  
Goa Legislature Secretariat,  
Porvorim – Goa.

.... Respondents

Filed on : 02/07/2020

Decided on : 26/10/2021

### **Relevant dates emerging from appeal:**

RTI application filed on	: 28/04/2020
PIO replied on	: Nil
First appeal filed on	: 01/06/2020
FAA order passed on	: 29/06/2020
Second appeal received on	: 02/07/2020

## **ORDER**

1. The brief facts of this appeal filed under section 19(3) of the Right to Information Act, 2005 (for short, the Act), by the Appellant Mr. Oswald H. Pinto are as under :

The Appellant vide application dated 28/04/2020 sought from the office of Public Information Officer (PIO)/Under Secretary, Goa Legislature Secretariat, Porvorim Goa information regarding work allocation of duties of Secretariat staff. The Respondent No. 2, Assistant Public Information Officer (APIO), did not give any reply within 30 days. Being aggrieved, the Appellant filed appeal dated 01/06/2020 before Respondent No. 1, First Appellate Authority (FAA), Secretary Goa Legislature Secretariat, Porvorim Goa. The FAA, vide order dated 29/06/2020 mentioned that part 1 of the desired information may be furnished to the Appellant free of cost and denied information at part 2 under section 8(1)(a) and (g).

2. It is the contention of the Appellant that he is aggrieved by the order of the FAA and therefore the second appeal is filed before this Commission. The Appeal was registered on 02/07/2020 and subsequently was taken on board. Notice was issued to the concerned parties. Pursuant to the notice, the Appellant as well as Respondents appeared before the Commission.
3. It is noticed from records in the file that the office of Goa Legislature Secretariat had no designated PIO on the date of application i.e. 28/04/2020 and the application was dealt by the APIO. Later on 28/08/2020, Shri. Mohan Gaonkar was appointed as PIO and he filed reply dated 10/09/2020 before the Commission. The Appellant too filed written submission dated 10/09/2020 and 02/02/2021. Arguments of both the sides were heard on 07/09/2021.
4. The present PIO stated in his reply that part 1 of the desired information i.e. copies of work allocation and duties and responsibilities assigned to Legislature Secretariat staff has been furnished to the Appellant. Part 2 of the desired information, i.e. copies of duties assigned to all staff was denied under section 8(1)(a) and (g) of the Act, in view of security of the high security

establishment. The PIO also stated that the earlier PIO was relieved on 28/02/2020 and till his appointment, i.e. 28/08/2020 there was no PIO in the Legislature Secretariat and the functions of PIO were carried by the APIO.

5. During the proceeding, the Appellant stated that information furnished to him is incomplete. The Commission directed the PIO to allow inspection to the Appellant. Accordingly, the Appellant carried out inspection, however, filed a submission dated 02/02/2021 claiming wrong information was shown and given to him and the authority has not rectified the same.

6. Upon careful perusal of records the Commission has arrived at following findings :

(a) Appellant vide application dated 28/04/2020 had sought information in two parts (1) copies of work allocation and duties and responsibilities assigned for each staff of Goa Legislature Secretariat, (2) copies of duties assigned to all the staff during the lockdown period due to covid-19 pandemic.

(b) There was no PIO designated in the Legislature Secretariat during the stipulated period from the application of the Appellant. APIO was officiating as PIO. However Appellant received no reply within 30 days.

(c) The FAA in her order dated 29/06/2020 has held that the desired information at part (1) may be given to the Appellant free of cost. However, information at part (2) cannot be disclosed as the same comes under the ambit of under section 8(1)(a) and (g) of the RTI Act. It is seen from the records that the Appellant was provided the information at part (1) by APIO after the order of the FAA. However the copies were not certified and the PIO claimed that it was due to oversight. Later PIO furnished certified copies vide letter dated

10/09/2020. Appellant endorsed receipt on the same day before Commission, however later stated that the information is incomplete. Even after the inspection, the Appellant vide letter dated 02/02/2021 claimed that incomplete/wrong information is furnished to him.

(d) Upon checking the records, the Commission has noted that information sought at part (1) has been furnished to him during the proceeding. The Appellant has however, failed to convince how the information supplied to him is incomplete. Information sought at point (2) is denied under section 8(1)(a) and (g). The Commission hold that the decision to deny the said information is not fully convincing. Even considering the sensitivity of work and placement of security staff of the Legislature Secretariat, is an issue, the appellant is an officer of the Legislature Secretariat. Therefore, the staff working under him or sections with whom he has direct contact should be available for his contact. This may not have any connection or link to security aspect of the establishment.

7. The events unfolded above as well as during the proceeding indicate that the Appellant and the respondents, all of whom are working in the same office of Legislature Secretariat, are at loggerheads over some service matter. Information sought by the Appellant at part 1 could have been provided by the PIO across the table. The Appellant was unnecessarily made approach FAA and later before this Commission. This attitude of public authority is deplorable. The extent of the confrontation is so much that both the sides were busy accusing each other during the arguments.
8. On the other hand, the bias approach of the appellant against the PIO and FAA is very much visible that he presumed that part (1) of the information is incomplete, when in reality the part (1) was

furnished to him, though after the stipulated period of 30 days. The Appellant, even after receiving this information adamantly maintained that he is provided wrong/incomplete information.

9. In the light of above discussion, the appeal is disposed with the following :

- (a) As the information sought by the Appellant at Part 1 has been furnished, the prayer for information for that part becomes infructuous and no more intervention of the Commission is required.
- (b) The PIO is directed to furnish information on part (2) pertaining to allocation of duties only with respect to the section of Appellant and to whom he has direct work in the official capacity.
- (c) All other prayers are rejected.

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/-

**Sanjay N. Dhavalikar**  
State Information Commissioner  
Goa State Information Commission  
Panaji - Goa