

GOA STATE INFORMATION COMMISSION
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Appeal No.222/2020/

Shri Shubham Sawant,
H.No.143, Sawantwado,
Mandrem,Pernem-Goa.
403512

.....Appellant

V/S

1.Public Information Officer
Agarwada-Chopdem Village Panchayat,
Agarwada, Pernem Goa.

2.First Appellate Authority
Block Development Office,
Pernem-Goa

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 28/12/2020
Decided on: 29/07/2021

FACTS IN BRIEF

- a) The Appellant herein by his application dated 15/07/2020, filed under Sec 6(1) of the Right to Information Act 2005 (Act for short) sought certain information from the Respondent No. 1, PIO, Secretary of V.P. Agarwada, Chopdem, Pernem Goa, in the form of certified copies of all the permissions / NOC(s) of any nature issued by Public Authority with regard to land bearing Survey No. 29/9-A of Chopdem Village and all the applications / representations received by Public Authority with regards to the land bearing Survey No. 29/9-A of Chopdem Village of Pernem Taluka.
- b) The said application was replied on 04/08/2020 informing the Appellant that the information sought by him is general by nature and hence disposed off being not specific.

c) Not satisfied with the response of PIO, the Appellant filed first appeal with the First Appellate Authority (FAA). FAA by Order dated 30/09/2020 directed the PIO to furnish information by giving him inspection within 10 days.

Appellant submits that as per the Order of FAA, Appellant visited the office of PIO and inspected the documents, however PIO denied to furnish all the documents identified by him, thus denied him the requested information and hence this Second Appeal under Sec 19(3) of the act.

d) Notices were issued to the parties. Pursuant to which PIO appeared along with his counsel Adv. Shahapurkar and filed application for maintainability of the appeal. Representative of Respondent No. 2 appeared but opted not to file any reply in the matter. Appellant right from the beginning i.e. on 05/04/2021, 05/07/2020 and 23/07/2021 failed to appear inspite of a valid service of notice. Fair opportunities granted to the Appellant.

e) Perused the records, considered the pleadings of the parties and duly considered the arguments advance by learned Counsel Adv. P.K. Shahapurkar and his written synopsis.

He argued that appeal is bad in law and non-maintainable as the present appeal filed under sec 19(3) of the Act, against the PIO which is not provided under RTI Act, according to him the proper remedy was available to the Appellant to file his grievance before FAA in case of non-compliance of the order.

f) The application filed by appellant under Sec 6(1) of the RTI Act, dated 15/07/2020, has two points:-

1. Certified copies of all the permissions(s) / NOC (s) of any nature granted by your Department with regards to the land bearing survey number 29/9-A of Chopdem village of Pernem taluka.

2. Certified copies of all the Application(s)/ Representation(s) of any nature received by your office with regards to the land bearing survey number 29/9-A, of Chopdem village of Pernem taluka.

g) The FAA, vide its order dated 30/09/2020, directed the PIO to allow inspection of records maintained by the village Panchayat and furnish information to the Appellant directly free of cost within 10 days.

As per the inspection report filed by the V.P. Secretary/PIO, it is seen that the Appellant has been given inspection on 15/10/2020, two files were shown to the Appellant, and certified copy of the records were furnished, which has been acknowledged by the Appellant.

h) The information sought by the Appellant by his application dated 15/07/2021 is with respect to permission(s) / NOC(s) and Application(s)/Representation(s) with respect survey number mentioned therein. The grievance of the Appellant as stated in the appeal memo is the PIO denied to give all the documents. This contention cannot be accepted, since the PIO is required to furnish only those documents that are sought in the RTI application. The Appellant can neither seek more information at this appellate stage nor at the time of inspection. No additional information can be granted to the Appellant at this stage by enlarging the scope of decision, therefore appeal filed by the Appellant is not maintainable.

i) Before parting with this matter, it is observed that the approach of the PIO while dealing with request of the Appellant is against the true spirit of the law.

While dealing with RTI application the PIO should always keep in mind that, RTI Act is enacted to enable the citizen to secure access to information under the control of Public Authorities, in order to promote transparency and accountability in the working of every Public Authority. It empowers the citizens to demand about the public records and public Authority is bound to furnish all accessible information to the citizens, except where the information is exempted under Provision of Sec 8(1) of the Act. Thus RTI Act casts statutory obligation on the Public Authority to disclose the information held by it which is accessible to Public.

The language used by the PIO in the reply given to the Appellant vide letter dated 04/08/2020 is uncalled for, and is not palatable. The PIO should refrain from using such deprecatory language in replying the RTI application.

- j) In the above circumstances, I find no merit in the appeal and same is not tenable. I therefore dispose the present appeal with the order as under:-

O R D E R

The appeal is dismissed.

Proceedings closed.

Pronounced in the open court.

Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner