

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 306/2018/SIC-II

Mr. Rajeev Gomes,
Son of Mr. Antonio Gomes,
Advocate, Office No. 3, Maria Luiza Plaza,
Abade Faria Road,
Margao, Goa , 403601

.....Appellant

V/s

1. PIO, Mr. C J F Prasannakumar,
Public Information Officer (PIO),
VVM's Govind Ramnath Kare College of Law,
Comba, Margao, Goa, 403601
2. Ms. Goretti Simoes e Morais,
The First Appellate Authority (FAA),
VVM's Govind Ramnath Kare College of Law,
Comba, Margao Goa,
403601

..... Respondents

Filed on : 21/12/2018

Decided on : 27/10/2021

Relevant dates emerging from appeal:

RTI application filed on	: 23/03/2018
PIO replied on	: 20/04/2018
First appeal filed on	: 21/05/2018
FAA order passed on	: 31/07/2018
Second appeal received on	: 21/12/2018

ORDER

1. Brief facts of this case are that the Appellant Shri. Rajeev Gomes had sought information on various points vide application dated 23/03/2018 from Public Information Officer (PIO), VVM's Govind Ramnath Kare College of Law, Margao. Aggrieved by non furnishing of the complete information, Appellant filed first Appeal before FAA on 21/05/2018. The FAA vide order dated 31/07/2018 disposed the appeal by endorsing PIO's stand that the available information is already furnished to the Appellant within the stipulated period.

2. The Appellant filed second appeal against Respondent No. 1 PIO and Respondent No. 2 First Appellate Authority (FAA), VVM'S Govind Ramnath Kare College of Law, Margao. The Appeal was registered and parties were notified. During the hearing on 25/08/2021 Advocate Marciano Reveredo appeared and filed submission stating Shri. Rajeev Gomes, Appellant has expired and his legal heirs wish to proceed with the matter in the place of Shri. Gomes.
3. Mr. Maria Goretti Simoes, Respondent No. 2 FAA vide email dated 05/10/2021 sent to the Commission stated that the Appellant Shri. Rajeev Gomes has expired and consequently, the course of proceeding would have to be accordingly decided by the Commission.
4. The Right to Information Act, 2005 confers right to an individual citizen. Such right are not heritable. Hence the legal heirs or representative does not acquire any right in the proceeding by way of succession after death of Appellant. In such a situation proceeding abate upon the death of the Appellant.
5. Regulation 24 of the Central Information Commission (Management) Regulations 2007 under section 12(4) of the RTI Act, 2005 states that proceeding pending before the Commission shall abate on the death of Appellant/Complainant. It is pertinent to note that no such rules are prescribed under Goa State Right to Information Rules. Nevertheless, it is the opinion of this Commission that the right to information is a personal right, awarded to a citizen and therefore cannot devolve on the legal heirs or successors.
6. Considering the above position the present proceeding does not survive as the heir or successor cannot proceed with the matter which is already abated. As a result, the appeal is disposed as abated and proceeding stands closed. However this order shall not prejudice the right of the legal heirs/successors to seek the information in his/her personal capacity as a citizen, under the Right to Information Act, 2005.

Proceedings stand 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/-

(Sanjay N. Dhavalikar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa