

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 77/2020

Shri Antonio Jose de Souza,
r/o. 1/133-A, Gauravaddo,
Calangute, Bardez Goa
403516.

..... Appellant

v/s

1.The Public Information Officer,
Department of Revenue,
Collectorate Office, North Goa,
Panaji – Goa.

2. The First Appellate Authority,
The Deputy Collector (Revenue),
North Goa, Panaji Goa.

..... Respondents

Filed on : 11/03/2020

Decided on : 15/09/2021

Relevant dates emerging from appeal:

RTI application filed on	: 07/10/2019
PIO replied on	: 23/10/2019
First appeal filed on	: 15/01/2020
First Appellate Authority Order passed on	: Nil
Second appeal received on	: 11/03/2020

ORDER

1. The Second Appeal filed by Shri Antonio Jose de Souza, under section 19 (3) of the Right to Information Act 2005, (RTI Act), against Respondent No. 1, Public Information Officer (PIO), Department of Revenue, Collectorate Office, North Goa and Respondent No. 2, the First Appellate Authority (FAA), the Deputy Collector/Additional Collector, North Goa, Panaji Goa came before this Commission on 11/03/2020.

2. The brief facts leading to second appeal, as contended by the Appellant are :-
 - a) That the Appellant vide application dated 07/10/2019 sought following information :-
 - i. Order passed in execution proceedings filed in Case No. DYC/REV/LAND TAX/HC/2018
 - ii. Entire Roznama in execution proceedings filed in Case No. DYC/REV/LAND TAX/HC/2018
 - b) That the PIO vide letter dated 23/10/2019 asked the Appellant to collect the information on any working day. The Appellant visited the office of the PIO on 31/10/2019, however, file which was not the subject matter was shown to the Appellant.
 - c) That the appellant filed first appeal dated 15/01/2020 under section 19(1) of the RTI Act before FAA. The appeal was posted by FAA on 04/02/2020, 11/02/2020, 18/02/2020, 20/02/2020 and finally was fixed for order on 25/02/2020.
 - d) That the PIO misled the appellate authority and did not furnish the information despite clear directions from the FAA. Being aggrieved, the Appellant preferred second appeal before this Commission, praying for information and penalty on the PIO.
3. Notice was issued to the concerned parties and the matter was taken up for hearing on 24/03/2021. The Appellant vide email dated 24/03/2021 sought exemption from appearance and prayed for order be passed against the PIO. Ms. Anusha Gaonkar, Awal Karkun/APIO appeared under authority letter and filed reply on behalf of Respondent No. 1, Deputy Collector (Revenue), PIO. Shri Viraj Bandodkar, L.D.C appeared on behalf of Respondent No. 2, Additional Collector I (FAA) under authority letter.
4. The PIO in his reply dated 16/08/2021 has stated that the Appellant may be informed to visit PIO's office on any working day during office hours for inspection of desired information if available in the concerned file on payment of required fee.

5. It is seen from the records that the Appellant filed his application on 07/10/2019 and the then PIO Smt. Asha Harmalkar had informed the Appellant vide letter dated 23/10/2019 to collect the information from her office on payment of requisite fees. However, the Appellant has claimed in the appeal memo and also in the first appeal that he visited PIO office on 31/10/2019, but the PIO did not furnish the information. The Appellant, after visiting PIO's office wrote email dated 31/10/2019 to the FAA, Additional Collector – I informing him about the non receipt of the information. Later the Appellant sent another email dated 25/11/2019 to the FAA, Additional Collector – I stating the information sought by him is denied, nor any reason given for extension of time as required u/s 19(6) of the RTI Act.

6. Information sought by the Appellant vide application dated 07/10/2019 is very clear and specific and therefore there is no need for undertaking inspection of relevant files. The PIO cannot mandate the inspection of file when the applicant has not asked for it and the information sought is very clear. Also the Appellant has conveyed the authority that his age is nearly 75 years and during the current pandemic time it is difficult for him to visit PIO's office. It is unfortunate and infelicitous that in such situation the Appellant is asked to visit a government office in order to inspect old files, when information sought by him is specific and clear. Further, PIO has erred in not disclosing him the exact fee/charges to be paid for the information.

7. Preamble of the Right to Information Act, 2005 reads :-

The Right to Information Act, 2005, an Act to provide for setting out the practical regime of right to information for citizens 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, the constitution of a Central Information Commission and State Information Commission and for matters connected therewith or incidental thereto.

Public authorities are expected to honour the spirit of this Act and ensure free flow of information barring exemptions. Such vague reply on the part of PIO is uncalled for.

8. In view of the above discussion, the appeal is disposed with the following order :-
- a) The appeal is partly allowed.
 - b) The PIO is directed to furnish information to the Appellant by Registered Post/Speed Post within 10 days of receipt of this order, free of cost.
 - c) Rest of the prayers are rejected.
 - d) The PIO is directed to be more transparent and diligent while dealing with RTI applications.
9. Hence the appeal is disposed accordingly and proceedings stand 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/-

(Sanjay N. Dhavalikar)
State Information Commissioner
Goa State Information Commission
Panaji - Goa