

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 54/2020/SIC-I

Shri Savio Guha,
R/o. C-2-5, Prabhu Estate,
Shetyevaddo, Peddem, Mapusa-GoaAppellant

V/s.

1. Deepak Vaigankar,
Public Information Officer (PIO), Block Development Officer,
Bardez-II, Bardez-Goa
2. Shri. Shivprasad S. Naik,
Block Development Officer,
Bardez-Goa Respondent/Opponent

Filed on : 07/02/2020

Decided on : 27/10/2021

Relevant dates emerging from appeal:

RTI application filed on	: 28/08/2019
PIO replied on	: 12/09/2019
First appeal filed on	: 01/10/2019
FAA order passed on	: 20/11/2019
Second appeal received on	: 07/02/2020

ORDER

1. The brief facts of this second appeal, as contended by Appellant are that the Appellant Shri. Savio Guha vide application dated 28/08/2019 filed under section 6(1) of the Right to Information Act, 2005 (for short, the Act), sought from Respondent No. 1 Public Information Officer (PIO), Block Development Officer (BDO), Bardez-Goa, information on following points:-
 - i) Dates of all meetings conducted by the Village Panchayat of Calangute, Bardez, Goa along with detailed minutes of all such meetings conducted for the last five years commencing from 1st August, 2014.
 - ii) If any meetings were scheduled but not conducted, the reasons for the same.

- iii) If the records in respect of any meetings have not been maintained at the BDO in the last five years commencing from 1st August, 2014, the details of such meetings and reasons for not maintaining the same.
 - iv) Certified copies of all minutes of the Village Panchayat of Calangute, Bardez, Goa for the last five years commencing from 1st August, 2014.
2. It is the contention of the Appellant that the PIO vide letter dated 12/09/2019 informed Appellant that his request for information is forwarded to the Secretary, Village Panchayat of Calangute. As per sub section 2 of section 57 of the Goa Panchayat Raj Act, 1994, it mandates that office of BDO is required to have this information. Therefore, aggrieved by PIO's reply, Appellant preferred first appeal dated 01/10/2019 before First Appellate Authority (FAA), Deputy Director, Directorate of Panchayat, Panaji-Goa.
 3. It is the contention of the Appellant that the PIO was directed by the FAA vide order dated 20/11/2019 to furnish the information at point No. (i) and (iv) of the application within 50 days from the date of the Order. Request for information sought at point No. (ii) was forwarded to Secretary, Village Panchayat Calangute and information sought at point No. (iii) was not insisted by the Appellant.
 4. It is the contention of the Appellant that subsequently PIO furnished information, however complete information was not furnished. That only part information was provided and the same has been delayed. Being aggrieved the Appellant filed second appeal dated 07/02/2020 before this Commission praying for complete information free of cost, penalty on PIO, disciplinary action on PIO etc.
 5. The concerned parties were notified and the matter was taken up for hearing. Shri. Deepak Vaigankar, the then PIO appeared and filed reply dated 13/03/2020. Subsequently Appellant appeared and filed reply. Both parties have further filed submissions. Simultaneously it is seen from the records that the Appellant had initially impleaded Shri. Raghuvir Bagkar, Secretary, Village Panchayat Calangute as Respondent No. 2, however later the said Respondent was deleted from the proceeding upon Appellant's request, dated 24/07/2020. Later Appellant filed an application dated 27/11/2020 praying that the present Block Development Officer, who has filed the affidavit in reply dated 18/09/2020, be

impleaded and added as Respondent in the proceeding. Notice was issued to Shri. Shivprasad S. Naik, present Block Development Officer, Bardez, and he was added as Respondent No. 2 in the present proceeding.

6. The Appellant appeared in person and through his Advocate and filed rejoinders dated 07/08/2020 and 27/11/2020. The Appellant stated that the Respondent No. 1, the then PIO, Block Development Officer is required to maintain minutes of every meeting of the Panchayat under his jurisdiction, be forwarded by the Secretary of Village Panchayat to the Block Development Officer. The Appellant's request pertains to this record that should be available with the PIO. The FAA vide order dated 20/11/2019 directed PIO to furnish information within 50 days, the time sought by the PIO to collect and furnish the information. However, PIO furnished information pertaining to 2018-2019 when the Appellant had asked for information from 2014 to 2019. Also if the PIO did not have information prior to 2018, it was his responsibility to transfer the application for information of the relevant dates to the appropriate office, which the PIO did not do. In the circumstances the PIO is solely responsible for furnishing incomplete information. The Appellant has held the present PIO equally responsible for non furnishing of the remaining information and have pressed for complete information and penalty on the then as well as present PIO.
7. Shri. Deepak Vaigankar, the then PIO and Shri. Shivprasad S. Naik, present PIO contended that the available information has been furnished to the Appellant vide letter dated 27/01/2020 and the remaining information is not available in PIO's office, hence under memorandum dated 26/12/2019 transferred the order of FAA to the Public Information Officer of Village Panchayat Calangute and as such have complied with the FAA's order. By stating this, both the PIOs have prayed for dismissal of the Appeal.
8. The Commission has perused all the submissions and heard arguments of Appellant as well as Respondent. It is a fact that the information sought by the Appellant is clear and specific and section 57(2) of the Goa Panchayat Raj Act mandates that PIO's office should have the said information. However, it is noted that the then and present PIO is not the original source of the said information, i.e. dates and minutes of meetings of Village Panchayat Calangute. It is the Office of Village Panchayat Calangute who is the original source of the said information and

the Secretary Village Panchayat Calangute is required to send the minutes of the meeting to BDO. The BDO and PIO in this case can maintain the said information only after receiving the same from Secretary, Village Panchayat Calangute. In the present case Appellant initially had added Secretary, Village Panchayat Calangute as Respondent No. 2, however, later Appellant filed application dated 24/07/2020 to delete Secretary, Village Panchayat Calangute as Respondent and accordingly the Secretary, Village Panchayat was deleted from the cause title, as Respondent. Therefore the Commission is neither able to direct Secretary, Village Panchayat Calangute, who is the original source of the information, to furnish the information to Appellant nor able to confirm that the minutes of the meetings were forwarded to BDO/PIO in this matter as required under the Goa Panchayat Raj Act, 1994.

9. The PIO has already brought on record that he sent a memorandum dated 26/12/2019 requesting Secretary, Village Panchayat Calangute to furnish information regarding dates and minutes of meetings of Village Panchayat Calangute to Appellant. Though this should have been done during the application stage itself, the PIO/BDO Bardez has pursuant to order of FAA has instructed the PIO/Village Panchayat Secretary to furnish the information. The PIO/BDO Bardez has failed to show that the minutes were never sent by the Village Panchayat Secretary to his Office for making available to furnish information
10. It is outside the purview of this appeal to look into the reasons why Secretary, Village Panchayat Calangute did not send minutes of the meetings of Village Panchayat Calangute from 2014 to 2018, if at all it was not received by the BDO, who is the PIO in this case. However, the Village Panchayat Secretary was deleted as a party to the appeal, though strangely on the application moved by the Appellant. However, since the information is required to be furnished to the Appellant, we direct the PIO/BDO, Bardez to issue instructions to PIO/Secretary, Village Panchayat Calangute to furnish the Appellant information on the dates and minutes as sought therein. This may be completed within 20 days of the receipt of this order.
11. In the light of above direction, the Appeal is disposed.

Proceeding 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