

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 59/2020/SIC-II

Mr. Royson E. Da Costa,
R/o. H. No. 343, Costa Vaddo,
Majorda, Goa

..... Appellant

v/s

1. The Secretary/Public Information Officer (PIO),
Village Panchayat of Majorda-Utorda-Calata,
Majorda-Goa
2. The First Appellate Authority/
Block Development Officer (BDO),
Office of the BDO-Mormugao,
Vasco da Gama, Goa

.....Respondents.

Filed on : 11/02/2020

Decided on : 19/08/2021

Relevant dates emerging from appeal:

RTI application filed on	: 02/09/2019
PIO replied on	: Nil
First appeal filed on	: 17/10/2019
FAA order passed on	: 05/11/2019
Second appeal received on	: 11/02/2020

ORDER

1. The Second Appeal filed by Shri. Royson E. Da Costa, R/o. Majorda Goa under section 19(3) of the Right to Information Act, 2005 (RTI Act) against Respondent No. 1 Public Information Officer (PIO), Secretary, V. P. Majorda-Utorda-Calata and Respondent No. 2, First Appellate Authority (FAA), Block Development Officer (BDO), Mormugao, Goa came before this Commission on 11/02/2020.
2. Brief facts leading to the Second Appeal as contended by the Appellant are that :-
 - (i) The Appellant vide application dated 02/09/2019 had sought from the PIO information on 6 points related to Village Panchayat Majorda-Utorda-Calata.

- (ii) The Respondent did not furnish information within the period of 30 days.
 - (iii) The Appellant then filed first Appeal dated 17/10/2019 before the Respondent No. 2, the FAA.
 - (iv) The FAA vide order dated 05/11/2019 directed the PIO to provide pointwise information as sought by the Appellant, within 5 day, free of cost.
 - (v) The Appellant through his authorised representative visited the Office of the PIO to collect the information. However, the PIO failed to furnish the information even beyond the period of five days.
3. Being aggrieved, the Appellant filed second Appeal dated 11/02/2020 before this Commission with various prayers including directions to PIO to furnish complete information and penalty under section 20.
 4. Notice was issued to the concerned parties and the matter was taken for hearing before this Commission. The Appellant appeared in person The present PIO Shri. Custodio Faria appeared before the Commission and filed the reply, whereas the FAA sent the reply by email. The PIO undertook to once again go through the records and furnish information if available. As undertaken, the PIO Shri. Custodio Faria furnished more information on 21/09/2020. However, the Appellant submitted that the same is incomplete. The Appellant was directed to produce on record which information is incomplete, which was not complied by the Appellant.
 5. Meanwhile due to Covid-19 pandemic the hearing could not be held and later the then Commissioner demitted office on completion of tenure, and the matter was kept in abeyance. The hearing resumed on 23/03/2021 upon joining of new State Information Commissioner.
 6. Present PIO submitted on 16/04/2021 that the information sought by the Appellant is ready with him and the Appellant can collect the same. The matter was adjourned to allow the Appellant to acknowledge the information. However, the Appellant preferred to remain absent on next three hearing and therefore the Commission could not get the acknowledgement from the Appellant.

7. Upon perusal of the reply dated 03/09/2020 and 15/09/2020 filed by the present PIO, the following facts emerge:-

a) Shri. Custodio Faria took charge as Secretary and PIO of Village Panchayat Majordo-Utorda-Calata on 26/12/2019. Prior to that Shri. Shankar Naik was the PIO from 05/11/2019 to 24/12/2019, and prior to that Shri. Sanmesh Sawant was the PIO from 01/07/2019 to 05/11/2019. The RTI application of the Appellant dated 02/09/2019 was received by Village Panchayat Mojorda-Utorda-Calata during the tenure of PIO Shri. Sanmesh Sawant.

b) The present PIO states that Shri. Sanmesh Sawant by letter dated 26/09/2019 had requested the Appellant to pay an amount of Rs. 1342 and to collect the information within 2 days. However, there is no document on record to support this claim.

c) The present PIO was not made aware about the pendency of the application dated 04/09/2019 and the non compliance of the order of FAA dated 05/11/2019.

d) The present PIO, after taking charge appeared before the Commission and attempted to furnish the available information. The PIO vide letter dated 15/09/2020 has given pointwise reply to the RTI application of the Appellant. The PIO has also offered the Appellant the inspection of records if the Appellant so desires .

8. The then PIO Shri. Sanmesh Sawant neither furnished the information to the Appellant within the stipulated period, nor complied with the order of the FAA. The Commission hereby reminds the then PIO that the Right to Information Act, 2005 goes to extent of making a government officer personally and financially liable for not providing information that has been asked by the citizen. The PIO has statutory obligation to furnish the information within 30 days from the date of application and also to comply the order of the FAA.

9. In the facts and the circumstances of the case mentioned above the Appeal is disposed with following order:-

- a) The present PIO is directed to furnish the information to the Appellant by Registered post within eight days of the receipt of this order.
- b) The then PIO Shri. Sanmesh Sawant is directed to be more vigilant and transparent while dealing with RTI applications.
- c) The Registry is directed to send a copy of this Order to the then PIO Shri. Sanmesh Sawant, through the present PIO of Village Panchayat, Majorda-Utorda-Calata. The present PIO is directed to forward the same to Shri. Sanmesh Sawant and submit the acknowledgment to the Commission within 8 days of the receipt of this Order.

The Appeal is disposed accordingly.

Proceedings stands 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