

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 138/2022/SIC

Shri. Nazareth Baretto,
R/o. H.No. 126, Borda,
Margao, Salcete-Goa.

-----Appellant

v/s

The Public Information Officer,
Office of the Administrator of Comunidades,
South Zone, At Margao,
Salcete-Goa.

-----Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 20/08/2021
PIO replied on	: Nil
First appeal filed on	: 23/09/2021
First Appellate Authority order passed on	: 24/02/2022
Second appeal received on	: 24/05/2022
Decided on	: 17/10/2022

ORDER

1. Aggrieved by non furnishing of the information by Respondent Public Information Officer (PIO) inspite of the direction from the First Appellate Authority (FAA) , the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') filed second appeal, which came before the Commission on 24/05/2022.
2. It is the contention of the appellant that vide application dated 20/08/2021 he had sought certain information from the PIO. His application was not responded by PIO within the stipulated period, hence he filed appeal before the FAA. While deciding the appeal FAA directed the PIO to furnish entire information within 15 days. Yet, the order was not complied by the PIO, hence appellant preferred second appeal.
3. Upon perusal of the records it is seen that the appellant had asked information on 24 points. PIO did not respond to the application within the stipulated period. The inaction of the PIO compelled the

appellant to file appeal. The appellate authority, after due hearing held that the requested information should be available with the office of the PIO, hence the PIO is required to furnish the information within 15 days.

4. The FAA further observed that the office of the respondent PIO is not taking prompt action to reply and process RTI applications filed by citizens which in turn lead to filing of appeal. Also the said tendency increases burden of office expenses since the information is required to be provided free of cost and the said expenditure has to be borne by the concerned department.
5. The Commission observes that information sought is eligible as information under Section 2 (f) of the Act. The said information is neither exempted under Section 8, nor rejected under Section 9 of the Act. The requested information has to be available in the records of the PIO and he is mandated to furnish the same to the appellant.
6. PIO under Section 7 (1) of the Act is bound to respond to the application within the stipulated period of 30 days. PIO must remember that the object of the Act is to ensure maximum disclosure of information and minimum exemption from disclosure. This Act goes to an extent of making a Government officer personally and financially liable for not providing information that has been asked by a member of the public.
7. It is noted that the PIO has not complied with the direction of the FAA. Further, the PIO did not attend the proceeding before the Commission. PIO hereby is reminded that he is required to attend the hearing whenever he receives notice from the Commission. In case one is unable to attend the hearing, prior permission from the Commission has to be taken and authorised representative who is conversant with the matter may be deputed. The Commission issues stern warning to the PIO to strictly abide by the provisions of the Act in future.

8. In the light of above discussion, the appeal is disposed with the following order:-

- a) Order of the FAA is upheld.
- b) PIO is directed to furnish information sought by the appellant vide application dated 20/08/2021, within 15 days from the receipt of this order, free of cost.
- c) PIO is directed hereafter to respond to the applications received under Section 6 (1) of the Act within the stipulated period, as provided under Section 7 (1) of the Act.
- d) All other prayers are rejected.

Proceeding 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

