

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 194/2021/SIC

Nazareth Baretto,
R/o. H.No. 126, Borda,
Margao, Salcete-Goa 403602.

-----Appellant

v/s

The Public Information Officer,
Village Panchayat of Rumdamol-Davorlim,
PO Navelim,
Salcete-Goa 403602.

-----Respondent

Filed on: 19/08/2021
Decided on: 18/08/2022

Relevant dates emerging from appeal:

RTI application filed on	: 04/12/2020
PIO replied on	: 02/01/2021
First appeal filed on	: 27/01/2021
First Appellate authority order passed on	: 04/03/2021
Second appeal received on	: 19/08/2021

ORDER

1. The brief facts of this appeal are that the appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought certain information from Respondent Public Information Officer (PIO). Aggrieved by the information furnished vide reply dated 02/01/2021, he filed appeal dated 27/01/2021 before the First Appellate Authority (FAA), Block Development Officer, Margao-Goa. FAA vide order dated 04/03/2021 disposed the appeal. Being aggrieved, appellant preferred second appeal before the Commission.
2. Notice was issued and the matter was taken up for hearing. Appellant appeared alongwith Advocate Neha Mayenkar, filed submission on 09/12/2021 and 13/06/2022. Ms. Priscilla Niasso, PIO appeared in person and later was represented by Advocate Ashutosh Vicente Da Silva, filed reply dated 13/07/2022.
3. Appellant stated that, vide letter dated 02/01/2021 he received reply and information from the PIO, however, found that the information is not fully furnished. Appellant further stated that, he had sought for the entire file alongwith the proceeding sheet and remark pertaining to the said letter, which is not furnished by the PIO.

4. PIO stated that, the requested information was furnished to the appellant on 02/01/2021 which includes order dated 20/12/2011 alongwith resolution adopted by the Panchayat on 10/02/2012. PIO further submitted that, the appellant had only submitted a copy of order dated 20/12/2011 which was inwards under inward no.575 on 24/01/2012. Since the order has the inward no.575 for having being inwards on 24/01/2012, it is evident that there are no other records besides order dated 20/12/2011 and resolution in the Panchayat records which has been furnished to the appellant.
5. Advocate Neha Mayenkar argued on behalf of the appellant stating that, she alongwith the appellant visited PIO's office on 13/05/2022 for inspection of the concerned files. However, PIO was not present and irrelevant files were provided for inspection by the staff of PIO's office, hence appellant is not satisfied with the said inspection.
6. Advocate Ashutosh Vicente Da Silva while arguing on behalf of PIO stated that, with respect to the application dated 04/12/2020 the PIO had furnished all available information. There is no action taken by the PIO on the order dated 20/12/2011 issued by the Additional Director of Panchayats, hence, no more information exists in the records of the PIO.
7. Upon perusal of the records it is observed that, the PIO states that, the information has been furnished, whereas, the contention of the appellant is that the complete information is not furnished to him. Hence, the issue, the Commission is required to decide is whether the PIO has furnished complete information or only part information is provided and PIO is required to furnish the remaining information.
8. Let us now have a look at the application of the appellant which was filed before the PIO on 04/12/2020. The application states :-

"I had inwards the copy of order dated 20/12/2011 passed by the Additional Director of Panchayats-I, Margao-Goa passed in case No. P.A. No. MAR-I/67/2010. Whereby the V.P. Secretary was directed to implement the Order dated 18/11/2010 of the Deputy Director of Panchayats, South vide no. DDPS/15/2010 within 15 days of verification of the Order. Further after receipt of the N.O.C. to the respondent to grant license to the Appellant within 15 days from receipt of the N.O.C.

I therefore, request you to be pleased to provide me the following information under the Right to Information Act.

The copy of the entire file along with proceeding sheet and remark pertaining to the above mentioned letter bearing inward dated 24/01/2012.”

9. PIO vide reply dated 02/01/2021 has furnished copy of the order dated 20/12/2011 issued by Additional Director of Panchayats, copy of proceeding sheet / resolution of the meeting of Village Panchayat held on 10/02/2012 containing the resolution passed by the Village Panchayat of Rumdamol-Davorlim.
10. It appears from the above mentioned records that, the Additional Director of Panchayats vide order dated 20/12/2011 had directed the Village Panchayat Secretary to implement the order dated 18/11/2010 of the Deputy Director of Panchayats within 15 days from verification of the order, further, after receipt of the N.O.C. of the respondent to grant license to the appellant within 15 days. However, no action was taken by the Secretary of Village Panchayat, on the contrary a resolution was passed by the Village Panchayat to file an appeal before the Higher Authority. With this observation the Commission notes that, the Secretary of Village Panchayat of Rumdamol-Davorlim has not taken any action on the order of the Additional Director of Panchayats, hence, no information on the said subject exists in the records of the Village Panchayat.
11. Appellant, if aggrieved by non compliance of the order of the Additional Director of Panchayats, then, he is required to approach the appropriate authority for seeking justices. The Commission functions within the jurisdiction of the Right to Information Act, 2005 and the jurisdiction is limited to ensure that the available information is furnished and PIO, if guilty, is punished as per the provisions of the law.
12. In the background of the above mentioned facts it appears that, the PIO has furnished the available information, however, the appellant is not satisfied with the contention of the PIO. Therefore, considering the fact that the Act has been introduced to promote transparency and accountability in the working of public authority, the Commission concludes that the appellant needs to be provided access to the entire records, so that he is able to inspect the documents and verify the contention of the PIO.
13. In the light of above discussions the present appeal is disposed with the following order:-

- a. Appellant, if desires, may undertake inspection of the records pertaining to the information sought vide application dated 04/12/2020, within 10 days from the receipt of this order.
- b. PIO is directed to provide for inspection, if sought by the appellant as mentioned in Para (a) above, and furnish the documents identified by him during the inspection, within 04 days from the final day of inspection, free of cost.
- c. 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