

# GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880, 2437908 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 230/2021/SIC**

Shri Thomas Jacob,  
R/o. YESHUA, H. No. 33/B,  
Belloy Nuvem, Salcete ,  
South-Goa 403713.

..... Appellant

**v/s**

1. The Public Information Officer(PIO),  
Office of the Mamlatdar, Salcete,  
Mathany Saldanha Administrative  
Complex,  
Near KTC Bus Stand,  
Margao 403601.

2. The Deputy Collector SDO-I and SDM,  
Salcete, First Appellate Authority (FAA),  
Mathany Saldanha Administrative  
Complex,  
Near KTC Bus Stand,  
Margao 403601.

..... Respondents

**Filed on : 09/09/2021**

**Decided on : 03/03/2022**

## **Relevant dates emerging from appeal:**

RTI application filed on	: 19/02/2021
PIO replied on	: Nil
First appeal filed on	: 01/04/2021
FAA order passed on	: 11/06/2021
Second appeal received on	: 09/09/2021

## **ORDER**

1. The brief facts of this appeal are that the appellant Shri. Thomas Jacob sought some information vide application dated 19/02/2021 filed under section 6(1) of the Right to Information Act, 2005 (for

short, the Act), from respondent No. 1 Public Information Officer (PIO). Aggrieved with non furnishing of the information, he filed appeal dated 01/04/2021 before respondent No. 2 First Appellate Authority (FAA). The FAA vide order dated 11/06/2021 dismissed the appeal.

2. Being aggrieved, appellant filed second appeal against PIO and FAA. The appeal was registered and the concerned parties were notified. The appellant was represented by Shrikant T under letter of authority, whereas both the respondents were represented by their respective authorised representatives.
3. During the hearing on 17/02/2022 Shrikant T., authorised representative of the appellant appeared and stated that Shri. Thomas Jacob, appellant has expired on 29/01/2022. Shri. Shrikant T. filed a copy of Death Certificate dated 08/02/2022 issued by Directorate of Planning, Statistics and Evaluation. In the event of death of the appellant, the course of proceeding needs to be decided by the Commission.
4. The Right to Information Act, 2005 confers right to an individual citizen. Such right is not heritable. Hence the legal heirs or authorised representative does not acquire any right in the proceeding by way of succession after death of the appellant. In such a situation appeal proceeding abate upon the death of the appellant.
5. Regulation 24 of the Central Information Commission (Management) Regulations, 2007 under section 12(4) of the RTI Act, 2005 states that proceeding pending before the Commission shall abate on the death of Appellant/Complainant. It is pertinent to note that no such rules are prescribed under Goa State Right to Information Rules. Nevertheless, it is the opinion of this Commission that the right to information is a personal right, awarded to a citizen and therefore cannot devolve on the legal heirs or successors.
6. Considering the above position the present proceeding does not survive as the heir or successor cannot proceed with the matter which is already abated. As a result, the appeal is disposed as abated and proceeding stands closed. However this order shall not prejudice the right of the legal heirs/successors to seek the

information in his/her personal capacity as a citizen, under the Right to Information Act, 2005.

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