

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437208, 2437908 E-mail: spio-gsic.goa@nic.in Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 278/2021/SIC

Satish K. Naik,
R/o. H. No. 569, Thorlem Bhat,
Dongrim, Tiswadi-Goa

... Appellant

V/s

The Public Information Officer (PIO),
Office of the Mamlatdar of Tiswadi,
Tiswadi-Goa

... Respondents

Filed on: 05/11/2021
Decided on: 29/07/2022

Relevant dates emerging from appeal:

RTI application filed on	: 29/06/2021
PIO replied on	: 02/08/2021
First appeal filed on	: 17/08/2021
FAA order passed on	: 22/09/2021
Second appeal received on	: 05/11/2021

ORDER

1. Aggrieved by non furnishing of the part information by Respondent Public Information Officer (PIO) and non compliance of the order of the First Appellate Authority (FAA), the appellant under section 19(3) of the Right to Information Act, 2005 (for short, the 'Act') filed second appeal, which came before the Commission on 5/11/2021.
2. The brief facts of this appeal as contended by the appellant are that vide application dated 29/06/2021, he requested for information on 15 points. PIO vide reply dated 02/08/2021 furnished part information and stated that the remaining

information is not available in the office records. Aggrieved appellant filed appeal dated 17/08/2021 before the FAA. FAA vide order dated 22/09/2021 directed the PIO to search the records and furnish the remaining information. However, PIO did not comply with the said order, hence the appellant preferred the second appeal.

3. Pursuant to the notice, appellant appeared alongwith Advocate Atish Mandrekar and requested for direction to the PIO to furnish the remaining information. Shri. Vasudev Gaundalkar, L.D.C. appeared on behalf of the PIO on 29/03/2022, however filed no reply.
4. Appellant submitted that the PIO has furnished incomplete information, that too after the expiry of the stipulated period of 30 days. Similarly, PIO has not complied with the instructions of the FAA to provide the required information within 14 days. The PIO has deliberately not furnished the information.
5. Advocate Atish Mandrekar, arguing on behalf of the appellant stated that, the PIO has malafidely denied the information. The appellant has time and again approached the office of the PIO, yet he is not furnished with the information. Adv. Atish Mandrekar further stated that the appellant is willing to undertake the inspection of the records if PIO is having difficulty in tracing the relevant documents, and that show cause notice under section 20(1) of the Act be issued to the PIO for failing to furnish the information.
6. Upon perusal of the records of this case, it is seen that the appellant had sought information on 15 points out of which information on Point Nos. 2, 4, 5, 10, 12, 13, 14 has been

furnished and regarding information on Point Nos. 1, 3, 6, 7, 8, 9, 11, 15 the PIO has stated that the information is not available in the office records.

7. Further, the FAA vide order dated 22/09/2021 has directed the PIO to carry out search and furnish the remaining information within 14 days. However, it appears that the PIO has not taken any efforts to search the records and furnish the information in order to comply with directions of the FAA.
8. The Commission observes that the PIO initially failed to furnish the complete information as required under section 7(1) of the Act. Then he failed to adhere to the directions of the FAA who is his superior officer. Thirdly, the PIO failed to appear before the Commission, nor he filed any reply in support of his action. Subsequently, another notice dated 13/06/2022 was issued and the same was delivered to the PIO's office on 15/06/2022, yet the PIO did not bother to appear, nor filed any submission.
9. The said attitude of the PIO is completely against the spirit of the Act, hence the Commission concludes that the PIO is guilty of not furnishing the complete information to the appellant, not adhering to the direction of the FAA and not honouring the direction of the Commission. Such an action on the part of the PIO is deplorable and the Commission cannot subscribe to the said action.
10. Hon'ble High Court of Delhi in W. P. (c) 3845/2007; Mujibur Rehman V/s Central Information Commission has held:-

" Information seekers are to be furnished what they ask for, unless the Act prohibits disclosure, they are not to be

driven away through sheer inaction or filibustering tactics of the public authorities or their officers. It is to ensure these ends that time limits have been prescribed, in absolute terms, as well as penalty provisions. These are meant to ensure a culture of information disclosure so necessary for a robust and functioning democracy."

11. Considering the above mentioned facts and subscribing to the ratio laid down by the Hon'ble High Court of Delhi, the Commission finds the PIO guilty of not honouring the provisions of the Act and for not respecting the directions of the authorities. Hence, the Commission finds it necessary to invoke section 20 of the Act against the guilty PIO.

12. In the light of above discussion, the appeal is disposed with the following order:-
 - a) PIO is directed to furnish the information sought by the appellant under Point Nos. 1, 3, 6, 7, 8, 9, 11, 15 vide application dated 29/06/2021, within 20 days from the receipt of this order, free of cost.

 - b) Issue showcause notice to Shri. Sanjeev Signapurkar, PIO, Office of the Mamlatdar of Tiswadi and the PIO is further directed to show cause as to why penalty as provided under section 20(1) of the Act should not be imposed against him.

 - c) In case the PIO at the relevant time, Shri. Sanjeev Signapurkar is transferred, the present PIO shall serve this notice alongwith the order to the then PIO and produce the acknowledgement before the Commission on or before

the next date fixed in the matter, alongwith present address of the then PIO, Shri. Sanjeev Signapurkar.

d) PIO is hereby directed to remain present on 25/08/2022 at 10.30 a.m. alongwith the reply to the showcause notice.

e) The Registry is directed to initiate penalty proceeding against the PIO.

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