

GOA STATE INFORMATION COMMISSION

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Complaint No. 06/2021/SCIC

Monica Cardozo,
H. No. 996/B, Escrivao Waddo,
Candolim, Bardez-Goa.

..... Complainant

v/s

The Public Information Officer,
The Secretary,
Village Panchayat Office,
Candolim-Goa.

..... Opponent

Shri Vishwas R. Satarkar - State Chief Information Commissioner

Filed on:-16/06/2021

Decided on: 19/04/2022

ORDER

1. The Complainant, Monica Cardozo, r/o. H. No. 996/B, Escrivao Waddo, Candolim, Bardez-Goa by her three applications dated 24/09/2020, 08/10/2020 and 21/10/2020 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act) sought various information from the Public Information Officer (PIO), Secretary of Village Panchayat Candolim, Bardez-Goa.
2. The said all three applications were replied by the PIO on 16/12/2020, thereby furnishing the available information to the Complainant.
3. Since the PIO failed and neglected to furnish the response/ access to information within the specified period of 30 days as per the provisions of the Act, the Complainant landed before

the Commission, by this Complaint under section 18 (1) (c) of the Act, with the prayer to impose the penalty on PIO.

4. Notice was issued to the parties, pursuant to which Advocate M. Parkar appeared on behalf of PIO on 05/10/2021 and undertook to file wakalatnama, however she did not appear for subsequent hearing. The Commission therefore issued fresh notice to the PIO to appear for hearing on 10/12/2021 at 10.30 a.m.
5. Complainant through her written submission contended that, her main grievance is with regards to the delay in furnishing the information.
6. Under section 7 (1) of the Act, the PIO is required to dispose the request of the seeker within 30 days. Disposal of request may result in furnishing the information on payment of fee or rejection of request.
7. The first RTI application was filed on 24/09/2020 and the information provided to the Complainant is on 16/12/2020. The information was required to be furnished on or before 24/10/2020 therefore the delay for furnishing the response and information is of 53 days.

The second RTI application was filed on 08/10/2020 and the information provided to the Complainant on 16/12/2020 therefore there is a delay for furnishing the information of 30 days.

The third RTI application was filed on 21/10/2020 and the information provided to the Complainant on 16/12/2020, therefore there is a delay for furnishing the information of 25

days. Even through the delay is marginal, the PIO did not show any satisfactory reasoning for delay.

8. In the present case, the PIO has furnished the information to the Complainant on 16/12/2020 however same is not within the stipulated period as contemplated by the Act. The PIO should have undertaken the exercise of furnishing the information immediately that is within the period of 30 days of the receipt of the RTI application.
9. In spite of a valid service of notice on two occasions, the PIO failed and neglected to appear before Commission on 09/08/2021, 02/09/2021, 05/10/2021, 09/11/2021, 10/12/2021, 25/01/2022, 17/03/2022 and 19/04/2022. The PIO herein has shown complete lack of concern to the process of the Commission and not discharged his responsibility and has failed to justify the inordinate delay in furnishing the information.
10. Section 20 of the Act clearly lays down that in case the information has not been supplied within time limit, without any reasonable cause, then the Commission shall impose the penalty.
11. The Hon'ble High Court of Calcutta in the case of **Madhab Kumar Bandhopadhyay v/s The Chief Information Commissioner** (AIR 2013 Cal.128) has been held that belated supply of information by PIO cannot absolve him of the penal consequences.
12. Considering the ratio laid down by the various High Courts, the Commission is of view that, it is a fit case for imposing penalty

under section 20 against the PIO Shri. Lourenco Ribeiro, the Secretary of Village Panchayat Candolim. However before any penalty is imposed the principal of natural justice demands that an explanation be called for from the concerned PIO, as to why he should not be penalized for non disposal of request within the stipulated time. I therefore pass the following:

ORDER

- The PIO, Mr. Lourenco Ribeiro, Secretary of Village Panchayat Candolim, Bardez-Goa is hereby directed to show cause as to why penalty should not imposed on him in terms of section 20 (1) of the Act.
- The reply to show cause notice is to be filed on 02/06/2022 at 10.30 a.m.
- The Complaint is disposed accordingly
- Proceeding closed.
- Pronounced in Open Court
- Notified the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner
Goa State Information Commission,
Panaji-Goa.