

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 118/2023/SIC**

Shri. Jawaharlal T. Shetye,  
H. No. 35/A Ward No. 11,  
Khorlim, Mapusa-Goa 403507.

-----Appellant

**v/s**

1. The Public Information Officer,  
Rajendra Bagkar (Head Clerk),  
Mapusa Municipal Council,  
Mapusa-Goa 403507.

2. The First Appellate Authority,  
Shri. Amitesh Shirvoikar (Chief Officer),  
Mapusa Municipal Council,  
Mapusa-Goa 403507.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 03/01/2023
PIO replied on	: Nil
First appeal filed on	: 07/02/2023
First Appellate Authority order passed on	: 24/02/2023
Second appeal received on	: 31/03/2023
Decided on	: 14/08/2023

**ORDER**

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought from Respondent No. 1, Public Information Officer (PIO) certain information. Being aggrieved by non receipt of the information within the stipulated period, he filed first appeal before Respondent No. 2, First Appellate Authority (FAA). The said appeal was disposed by the FAA with direction to the PIO to furnish the information.
2. It is the contention of the appellant that the direction issued by the FAA was not complied by the PIO, hence, he was compelled to prefer second appeal in order to get the complete information.
3. The concerned parties were notified, pursuant to which Shri. Rajendra Bagkar, PIO appeared in person and filed submission on 13/06/2023 and 05/07/2023. Appellant appeared in person and filed submission dated 26/07/2023.
4. PIO stated that though he could not furnish the information within the stipulated period of thirty days, now during the present

proceeding he has dispatched the information to the appellant via Registered AD Post and the same was received by the appellant on 13/06/2023. Thus, he requests for disposal of the matter.

5. Appellant submitted that, the PIO had deliberately avoided furnishing of the complete information. All the information is available in the office, yet PIO under different pretexts has been trying to evade the disclosure. Also, the said PIO is a habitual offender under the Act. Therefore, he requests the Commission to invoke Section 20 of the Act against the PIO.
6. Upon perusal of the records of the matter, it is seen that the PIO, as contended by the appellant, had failed to furnish any information within the stipulated period. Later, while disposing the first appeal FAA issued direction to the PIO to furnish the information within 15 days. The said order was passed by the FAA on 24/02/2023, meaning PIO was required to furnish the information on or before 18/03/2023. However, PIO took no action towards compliance of the said order.
7. Appellant after giving sufficient time to the PIO to comply with the said order filed second appeal before the Commission on 31/03/2023. It is noted that Shri. Rajendra Bagkar, PIO appeared before the Commission regularly, undertook to furnish the information on every appearance, yet, did not comply with his own undertaking. PIO during the current proceeding furnished only part information. Nonetheless, appellant was not satisfied with the part information and importantly, PIO was required to furnish complete information.
8. Section 7 (1) of the Act mandates the PIO to furnish the information which is not exempted from disclosure under Section 8 (1) or rejected under Section 9 of the Act, within maximum of 30 days from receipt of the request. The information sought by the appellant is available in public domain, in the custody of the PIO, even so the same was not provided to the appellant. Consequently, PIO has failed to furnish the information on three occasion, i.e. within the stipulated period of thirty days, after the disposal of the first appeal and finally, during the present appeal proceeding only part information was provided.
9. In spite of giving sufficient opportunities, PIO has continuously failed to deliver by not furnishing complete information. The Commission in similar matters against the same authority (Appeal No. 116/2023/SIC and Appeal No. 20/2023/SIC) observed similar conduct of the said PIO and finds that Shri. Rajendra Bagkar has not been able to deliver his duties and responsibilities as PIO of Mapusa

Municipal Council. The said PIO has been repeatedly failing to comply with his mandate under the Act.

10. This being the case, the Commission concludes that the PIO is guilty of not furnishing the complete information to the appellant, thus, Section 20 of the Act is required to be invoked against him for initiating penal action for his failure to comply with the provisions of the Act and also failure to adhere with the direction of the appellate authorities.
11. Similarly, the Commission finds that the Directorate of Urban Development is required to address the issue of questionable competency of its officers designated as PIOs under the Act. The Department needs to ensure that the competent and efficient officers with unquestionable integrity are required to be appointed as PIOs in every public authority under its jurisdiction. The Right to Information Act, 2005 has been enacted to ensure maximum information disclosure in most expeditious manner so as to create transparency and accountability in the administration of every public authority. The Act has provided statutory right to every citizen to seek information and PIO is the most important medium to ensure that every piece of available and eligible information is furnished to the applicant. Ironically, the Commission observes that some of the PIO of Mapusa Municipal Council have constantly failed to deliver their duty as PIO which has been causing lot of inconvenience to the citizens seeking information under the Act.
12. With respect to the facts mentioned above in Para 11 the Commission is of the firm view that corrective action has to be taken in order to ensure effective implementation of the Act. Hence, the Commission underscores the need of issuing appropriate directions to the Director of Urban Development in this regard.
13. This being the case insofar, the Commission concludes that show cause notice is required to be issued against the PIO for failing to comply with Section 7 (1) of the Act and also for not adhering to the direction of the appellate authority. Further, the Commission invokes Section 19 (8) (a) (ii) and directs the Director of Urban Development to appoint a competent officer as PIO of Mapusa Municipal Council and Section 19 (8) (a) (v) to depute PIOs and APIOs of Mapusa Municipal Council for training on the right to information.
14. In the light of above discussion, the instant appeal is disposed with the following order:-

- a) PIO is directed to furnish complete information sought by the appellant vide application dated 05/01/2023, within 20 days from receipt of this order, free of cost.
- b) Issue show cause notice to Shri. Rajendra Bagkar, PIO, Mapusa Municipal Council and the PIO is further directed to show cause as to why penalty as provided under Section 20 (1) and 20 (2) of the Act, should not be imposed against him.
- c) Shri. Rajendra Bagkar, PIO is hereby directed to remain present before the Commission on 25/09/2023 at 10.30 a.m. alongwith the reply to the showcause notice.
- d) Director of Urban Development, Government of Goa is hereby directed under Section 19 (8) (a) (ii) of the Act to appoint a competent officer as PIO of Mapusa Municipal Council, within 30 days from receipt of this order.
- e) Chief Officer/ FAA of Mapusa Municipal Council is directed under Section 19 (8) (a) (v) of the Act to depute PIOs, APIOs and dealing hand staff with respect to the RTI applications, for training on the right to information, within 45 days from receipt of this order.
- f) The Registry is directed to send copy of this order to the Director, Directorate of Urban Development, Government of Goa, for further action and initiate penalty proceeding against the PIO, Shri. Rajendra Bagkar.

Proceeding of the present appeal 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.

