

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 168/2023/SIC

Nelson F. Jacques,
R/o. H. No. 114/A,
Dias Ward, Cavelossim,
Salcete-Goa 403731.

-----Appellant

v/s

The Secretary,
Village Panchayat of Cavelossim,
Cavelossim, Salcete-Goa.

-----Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 28/12/2022
PIO replied on	: Nil
First appeal filed on	: 08/02/2023
First Appellate Authority order passed on	: 21/02/2023
Second appeal received on	: 10/05/2023
Decided on	: 07/08/2023

ORDER

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), had sought certain information from Respondent, Public Information Officer (PIO). Being aggrieved by non furnishing of the information by the PIO inspite of the direction from First Appellate Authority (FAA), appellant has approached the Commission against the PIO, by way of second appeal.
2. It is the contention of the appellant that, his application was not responded by the PIO within the stipulated period. Later, PIO did not comply with the direction of his higher authority, FAA, thereby committing contempt of the Court of FAA and causing inconvenience to the appellant. Appellant further contended that alongwith the information he prays for penal action under Section 20 of the Act against the PIO and award of compensation.
3. Notice was issued to the concerned parties and the matter was taken up for hearing. Pursuant to the notice, appellant appeared in person praying for complete information and penal action against the PIO. Appellant on 22/06/2023 filed copy of the letter dated 20/04/2023 written to the PIO and filed submission dated 11/07/2023. PIO neither appeared, nor filed any reply before the Commission.

4. Upon perusal of the records of the instant appeal, it is seen that the appellant had sought for following information:-

Kindly issue two copies of the sketch plans of the extension of 1st floor of my residential house no. 114/A, Dias ward, Cavelossim submitted to Village Panchayat for approval and approval was given by office of Senior Town Planner with you Ref (1) VPC/94-95/525 dated 29/01/95 (2) TPM/Const/Cave/124/7/95/587 dated 10/03/95.

Appellant received no reply from the PIO within the stipulated period. Being aggrieved, filed first appeal before the FAA, wherein, the PIO was directed by the FAA to furnish the information within 15 days. Yet, appellant received no information from the PIO.

5. It is noted that the appellant vide letter dated 20/04/2023 reminded PIO of her failure to comply with the direction of the FAA, still, PIO took no action. The said inaction of the PIO compelled appellant to approach the Commission for getting the information. Appellant who is a senior citizen was denied his statutory right of seeking information and was forced to face hardship to get the information which was in public domain, available in her records. PIO failed to furnish the information within the stipulated period amounting to contravention of Section 7 (1) of the Act. Later, PIO, by not furnishing the information as directed by the FAA, refused to adhere to the direction of the officer higher in rank. Thirdly, PIO did not appear before the Commission during the present proceeding, inspite of receipt of the notice dated 05/06/2023.
6. The PIO, Secretary of Village Panchayat Cavelossim is expected to be aware of her duties and responsibility as PIO and cannot be said to be ignorant about the provisions of the Act. Thus, her reluctance to furnish the information as well as to appear before the Commission is not acceptable. Such arrogant and careless conduct needs to be punished under Section 20 of the Act.
7. During the proceeding on 11/07/2023, appellant filed a submission stating that he visited the office of the PIO and collected the information, however, he prays for penal action against the PIO for violation of the provisions of the Act and that he seeks cost of Rs. 5000/- from the PIO for causing harassment and unnecessary expenses for him to get the information.
8. In the background of the above mentioned facts, the Commission holds the PIO guilty of contravention of Section 7 (1) of the Act. Similarly, the Commission finds that the PIO needs to be admonished for not honouring the directions of the appellate authorities. Though

the information has been finally received by the appellant, the Commission cannot turn a blind eye to the fact that the application was not responded by her and that she never justified her action before the Commission. However, before imposing any penalty under Section 20 of the Act, the PIO will be given an opportunity to be heard. Also, since the Act does not provide for imposing cost upon the PIO, the prayer for direction to the respondent to pay Rs. 5,000/- towards the cost to the appellant cannot be considered.

9. In the background of the findings as mentioned above, the present appeal is disposed with the following order:-

- a) Issue show cause notice to the PIO, Secretary, Village Panchayat Cavelossim 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 her.
- b) The PIO is hereby directed to remain present before the Commission **on 04/09/2023 at 10.30 a.m.** alongwith the reply to the showcause notice.
- c) In case the PIO is transferred, the present PIO shall serve this order alongwith the notice to the then PIO and produce the acknowledgement before the Commission on or before the next date of hearing, alongwith the present address of the PIO
- d) The Registry is directed to initiate penalty proceeding against the then PIO.

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.

