GOA STATE INFORMATION COMMISSION
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Penalty 19/2022
in
Appeal No. 185/2021/SCIC

Victor Ivor Pereira,
H.No. 1859, Behind Union Bank,
Khobravaddo, Calangute,
Bardez-Goa. 403516. .....Appellant

V/S

1. Mr. Raghuvir Bagkar,
State Public Information Officer and
Secretary Village Panchayat of Calangute,
Bardez-Goa. 403516.

2. Mr. Shivprasad Naik,
The First Appellate Authority and
Block Development Officer I & II,
2nd Floor, Govt. Office Complex,
Mapusa, Bardez-Goa. 403507. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 11/08/2022
Decided on: 10/02/2023

ORDER

1. The Commission vide its order dated 07/07/2022 in appeal No. 185/2021/SCIC had come to the conclusion that, the then Public Information Officer (PIO), Mr. Raghuvir Bagkar of the Village Panchayat Calangute, Bardez-Goa, had erred in not furnishing the information to the Appellant under the Right to Information Act, 2005 (hereinafter to be referred as 'Act'). It has also observed that, the then PIO had also failed to comply with the direction of the First Appellate Authority (FAA), to furnish the information, which lead to the Appellant to come before the Commission by way of the second appeal for seeking the information.

2. Pursuant to the order dated 07/07/2022, the notice under Section 20 (1) of the Act was issued to the Respondent No. 1,

Shri. Raghuvir Bagkar to show cause as to why penal action should not be taken against him for not furnishing the information.

3. During the first date hearing, the Respondent No. 1 appeared on 11/08/2022 and sought time to file his reply to the show cause notice and accordingly the matter posted for reply on 20/09/2022.

4. In the course of hearing on 20/09/2022, the Respondent No. 1 appeared alongwith his representative Adv. Kapil Kerkar who undertook to file wakalatanama on or before next date of hearing and sought time to file reply to the show cause notice and matter adjourned for reply on 20/10/2022.

5. Again during the course of hearing on 20/10/2022, Adv. Kapil Kerkar appeared and sought time to file his reply to the show cause notice. However, on subsequent date of hearing viz on 28/11/2022, 05/01/2023 and 10/02/2023 neither Adv. kerkar appeared and placed his wakalatanama on record nor filed the reply to the show cause notice. Since the Adv. Kapil Kerkar failed to file his wakalatanama in the matter his appearance cannot be considered as valid appearance. The Respondent No. 1 also failed and neglected to appear and file his reply in the matter.

6. During the course of hearing on 05/01/2023, the Appellant Victor Pereira appeared and submitted that, the incumbent PIO, Shri. Arjun Velip furnished the purported information to him and that he is satisfied with the information provided by the present PIO. The Appellant also stressed upon to impose the penalty on the then PIO Raghuvir Bagkar for causing delay in furnishing the information. He also submitted that due to delay in furnishing the information he caused irreparable loss and mental agony.

7. The conduct of the then PIO Shri. Raghuvir Bagkar for the entire proceeding is causal and trivial. The record indicates that the PIO

also did not reply the RTI application dated 20/04/2021 and also failed to comply the order of Block Development Officer who is his superior officer and also the FAA under the Act. It is significant to mention that the PIO has shown disrespect to the order of this Commission dated 07/07/2022 and did not bother to file his say to the show cause notice. The above conduct of the then PIO shows lack of concern to the process of RTI Act and thus amount to abuse of process of law and liable for penalty as envisaged under the Act.

8. The then PIO, miserably failed to justify the delay caused in furnishing the information to the Appellant. If this is permitted, then the entire spirit of the RTI Act becomes futile. Due to the casual and irresponsible approach of the then PIO, the Appellant who is a senior citizen was put to unnecessary hardship and was made to run from pillar to post to get the information and has to waste his time, energy and money.

9. The High Court of Bombay in the case **Mr. Johnson B. Fernandes v/s the Goa State Information Commission and Another (2012 (1) ALL MR 186)** has held that, law contemplates supply of information by the PIO to party, who seek it, within the stipulated time, therefore, where the information sought was not stipulated within 30 days, the imposition of penalty upon the PIO was proper.

10. Considering the fact that the RTI Act is a beneficial legislation and same is enacted to provide maximum information to the information seeker. The PIO has entrusted with specific duties and responsibilities. Even though the information is provided in this second appeal by the incumbent PIO, the then PIO cannot exonerate his legal obligations and duties.

11. In view of my above findings and in exercise of power granted under Section 20(1) of the Act, I hereby direct the then PIO Shri. Raghuvir Bagkar, presently posted as the Secretary of Village Panchayat Arpora, Bardez Goa to pay the sum of **Rs. 10,000/- (Rupees Ten Thousand Only) as penalty**. The said penalty shall be deducted from the monthly salary of the PIO. The Penalty so deducted shall be credited to the Government Account. The copy of this order shall be communicated to the Director, Directorate of Panchayat, Panaji Goa, and Department of Accounts Control Section, Panaji-Goa for its implementation and necessary action.

- Proceeding closed.
- Pronounced in open court.
- Copies of the order be furnished to the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner