

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Penalty No. 21/2023
in
Appeal No. 173/2022/SCIC

Shri. Narayan Datta Naik,
H.No. 278/1 (3), Savorfond,
Sancoale-Goa 403710.

.....Appellant

V/S

Shri. Raghuvir D. Bagkar,
Public Information Officer,
Village Panchayat of Sancoale,
P.O. Cortalim,
Mormugoa-Goa 403710.

.....Respondent

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 26/06/2023

Decided on: 27/10/2023

FACTS IN BRIEF

1. The Commission vide its order dated 10/04/2023 in Appeal No. 173/2022/SCIC had come to the conclusion that, the Public Information Officer (PIO), Shri. Raghuvir Bagkar, Secretary of the Village Panchayat Sancoale, Mormugao-Goa and presently working as a Secretary of Village Panchayat Arpora, Bardez-Goa, had erred in non furnishing the information to the Appellant under the Right to Information Act, 2005 (hereinafter to be referred as 'Act'). It is also observed that, the then PIO had also failed to comply with the order of the First Appellate Authority (FAA), and furnish the pointwise reply/ information which led to the Appellant to come before the Commission by way of this second appeal for seeking the information.
2. Pursuant to the order dated 10/04/2023, a show cause notice was issued to the then PIO, Shri. Raghuvir Bagkar as to why penalty action should not be taken against him for not furnishing the reply / information.

3. During the first date of hearing viz. 26/06/2023, the then PIO failed and neglected to appear before the Commission, however the opportunity was granted to file his reply and matter was adjourned on 11/08/2023.
4. During the course of hearing on 14/09/2023, the then PIO appeared alongwith Adv. S. P. Patkar and placed on record the reply of the PIO.
5. I have perused the reply to the show cause notice dated 14/09/2023, where the PIO contented that since the information sought by the Appellant was voluminous and bulky in nature he called the Appellant for inspection of the files, however, the Appellant did not inspect the file and alleged that the intention of the Appellant in seeking the information is not bonafide.
6. The authority of this Commission is simply to provide the information held or under the control of a public authority to a citizen applying for it.
7. The then PIO, miserably failed to justify the reason for denying the information. As enjoined by Section 19(5) with the second proviso of Section 20(1) of the Act, the burden lies on the PIO to prove that he acted justifiably, reasonably and diligently qua the application for information.
8. In the present case, the PIO neither replied the RTI application within stipulated time nor complied with the order of the FAA. The PIO also did not reasonably explain the reason for denying the information. Moreover not showing any remorse for his inaction in the matter on the contrary, the PIO continued to justify that information sought was bulky in nature and voluminous. The failure to comply the direction of the Commission, affirms the contention for lack of concern to the Order of the Commission which is

detrimental to the implementation of provisions of the Right to Information. Thus, the above conduct of the PIO amounts to malafide denial of request for information. In spite of several opportunities granted to the PIO, he has failed to prove that he acted reasonably and diligently. In the above circumstances, I find it a fit case for imposition of penalty in terms of Section 20(1) of the Act.

9. 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. 5,000/- (Rupees Five 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.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner