

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

Penalty No.42/2022

In

Appeal No. 159/2021/SIC

Shri. Nazareth Baretto,
H.No. 126, Borda,
Margao, Salcete-Goa, 403602.

-----Appellant

v/s

1.The Public Information Officer,
Block Development Officer,
Salcete Block,
Through Village Panchayat of Rumdamol-
Davorlim, P.O. Navelim,
Salcete-Goa, 403602.

2. The Public Information Officer,
Office of the Village Panchayat of Rumdamol-
Davorlim, P.O. Navelim,
Salcete-Goa, 403602.

-----Respondents

Relevant dates emerging from penalty proceeding:

Order passed in Appeal No. 159/2021/SIC	: 07/11/2022
Show cause notice issued to PIO	: 11/11/2022
Beginning of penalty proceeding	: 05/12/2022
Decided on	: 27/03/2023

ORDER

1. The penalty proceeding against Respondent Public Information Officer (PIO), Smt. Priscilla Niasso, Village Panchayat Rumdamol-Davorlim has been initiated vide show cause notice dated 11/11/2022, issued under Section 20 (1) and 20 (2) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') for not furnishing the information to the appellant.
2. The Commission has discussed complete details of this case in the order dated 07/11/2022. Nevertheless, the facts are reiterated in brief in order to appraise the matter in its proper perspective.
3. Appellant vide application dated 07/12/2020 had sought information on three points from Respondent No.1, PIO. The said application under Section 6 (3) of the Act was transferred to Respondent No. 2, PIO, Secretary, Village Panchayat Rumdamol- Davorlim. Information furnished by Respondent No. 2, PIO was incomplete, hence he filed

appeal before First Appellate Authority (FAA), Deputy Director of Panchayat, South, Margao-Goa. FAA vide order dated 12/04/2021 directed PIO, Secretary, Village Panchayat Rumdamol- Davorlim to furnish the remaining information. However, the order was not complied by the said PIO, hence appellant approached the Commission by way of second appeal.

4. The Commission, after conducting proceeding disposed the appeal vide order dated 07/11/2022. It was held that Respondent No. 2, PIO is guilty of contravention of Section 7 (1) of the Act and the conduct of the PIO is not acceptable, the same attracts penal action against the PIO. The Commission vide the said order directed PIO to show cause as to why action as contemplated under Section 20 (1) and 20 (2) of the Act should not be initiated against her.
5. The penalty proceeding was initiated against Smt. Priscilla Niasso, PIO. Pursuant to the notice, Shri. Silvestre Niasso appeared on behalf of the PIO under letter of authority. Shri. Silvestre Niasso filed reply dated 05/12/2022, memo dated 23/01/2023 and compliance report on 06/02/2023. Appellant appeared in person, filed rejoinder dated 03/01/2023 and 15/02/2023.
6. PIO stated that, she has been presently posted in the office of Village Panchayat of Talaulim, Navelim, Salcete. Upon receiving the order of the Commission in Appeal No. 159/2021/SIC passed on 07/11/2022, she requested the present PIO of Village Panchayat Rumdamol-Davorlim to furnish the information to the appellant and the present PIO has forwarded the said information to the appellant vide letter dated 29/11/2022. That, she had issued the information in good faith and was under the bonafide belief that the information furnished to the appellant would meet the information sought by the appellant as a whole. That, the PIO has not committed any acts punishable in terms of Sub Section (1) and (2) of Section 20 of the Act, hence, request the Commission to withdraw the show cause notice issued against her.
7. Appellant vide rejoinder dated 15/02/2023 stated that, initially he had received incomplete information from the PIO. However, in compliance with the order of the Commission PIO has furnished the remaining information and that he acknowledges receipt of the same.
8. During the proceeding on 15/02/2023, appellant orally requested the Commission to withdraw the show cause notice issued against the PIO since he has received the information, though late.

9. Upon perusal, it is seen that, the appellant had sought information on three points, and was not furnished information on point no. 1 and 3. The Commission vide order dated 07/11/2022 had directed the PIO to furnish the information on point no. 1 and 3. In compliance of the said order, Smt. Priscilla Niasso, PIO has furnished the said information, receipt of the same has been acknowledged by the appellant.
10. This being the case, the Commission finds the explanation given by the PIO for delay in furnishing the information satisfactory. Similarly, appellant has requested withdrawal of the showcause notice issued against the PIO.
11. Thus, the showcause notice issued against Smt. Priscilla Niasso, PIO, stands withdrawn and the penalty proceeding is dropped. The matter is disposed and the proceeding 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