

GOA STATE INFORMATION COMMISSION
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Appeal No. 277/2024/SCIC

Shri John Fernandes,
H. No. 61, Firguem Bhat,
Utorda, P.O Majorda,
Salcette-Goa 403713. -----Appellant
V/s

1.The Public Information Officer,
Secretary, Village Panchayat,
Majorda-Utorda-Calata,
MajordaSalcette-Goa.

2.The First Appellate Authority,
Block Development Officer, Mormugao,
Vasco da Gama-Goa. -----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner

Relevant Facts Emerging from the Appeal

RTI application filed on	- 18-06-2024
PIO replied on	- NIL
First Appeal filed on	- 05-08-2024
First Appellate order on	- 27-08-2024
Second appeal received on	- 10-12-2024
Decision of the Second Appeal on	- 20-03-2025

Information sought and background of the Appeal

1. Shri John Fernandes filed an RTI application dated 18/06/2024 to the PIO, Village Panchayat Majorda-Utorda-Calata requesting to furnish the details of action taken on his letter dated 29/02/2024 addressed to the Secretary/Sarpanch of Village Panchayat Majorda-Utorda-Calata with regard to illegal works, in Survey No.21/1 in Antonio Pereira Ward, Utorda by Mrs. Leticia Barreto Rodrigues and her husband Savio Rodrigues.
2. Failing to receive any response/information from the PIO, RTI applicant filed first appeal dated 05/08/2024 before the First Appellate Authority (BDO, Mormugao) stating that Respondent No.1(PIO)deliberately and

arbitrarily denied the information to the Appellant in violation of statutory provision of the RTI Act 2005 and praying for direction to the Respondent PIO to furnish information sought by the Appellant vide application dated 29/02/2024 and initiate action against the Respondent PIO as per Service Rules for deliberately and malafidely denying information.

3. FAA observed that Respondent PIO is duty bound to provide necessary information/records which is available in record of the office of Village Panchayat within the time frame as envisaged under RTI Act 2005. FAA vide order dated 27/08/2024 directed the Respondent PIO to furnish the information as sought for by the Appellant vide RTI application dated 18/06/2024 as per information available in office records of Village Panchayat of Majorda-Utorda-Calata within 10 days, free of cost.
4. Failing to receive any reply/information from the Respondent PIO inspite of FAA's order dated 27/08/2024 directing the Respondent PIO to furnish information, free of cost, within 10 days, Appellant preferred second appeal dated 10/12/2024 before the Commission stating that the Respondent PIO never bothered to comply with the order passed by the FAA. Appellant prayed for action against the Respondent u/s 20(1) of the RTI Act 2005 and issue direction to the FAA for strict compliance of the RTI Act 2005.

Facts Emerging in course of Hearing

5. Pursuant to the present appeal, parties were notified fixing the matter for hearing on 17/03/2025 for which Appellant and Respondent PIO appeared in person. Appellant submitted that vide letter dated 29/02/2024, addressed to the Secretary/Sarpanch, Village Panchayat Majorda-Utorda-Calata he had complained about the illegal works of construction of a well without permission, concrete road towards property and illegal fencing around the property without licence in Survey No.21/1 in Antonio Pereira Ward, Utorda by Mrs Leticia Barros e Rodrigues and her husband Savio Rodrigues. Appellant added that vide RTI application dated 18/06/2024 to the PIO, Village Panchayat of Majorda-Utorda-Calata he sought action taken report on his complaint but no information received either to the RTI

application or after the order passed by the FAA on 27/08/2024 directing the Respondent PIO to furnish information within 10 days.

6. When Respondent PIO was asked to place his say as to why he failed to furnish information (action taken report on Appellant's complaint dated 29/02/2024) in response to RTI application dated 18/06/2024 or after the order dated 27/08/2024 passed by the FAA, Respondent PIO submitted that he has taken the action of forwarding the copy of the complaint of the Appellant to Mrs. Maria Leticia Viegas, against whom Appellant filed complaint, seeking her comments vide letter dated 29/04/2024 and a copy of the forwarding letter sent to the Appellant also.
7. When Commission asked the Respondent PIO (Shri Custodio Faria, Secretary, Village Panchayat of Majorda-Utorda-Calata) how forwarding the copy of the complaint to the person against whom complaint is made before the Public Authority (Village Panchayat of Majorda-Utorda-Calata) by the Appellant will become '*action*'. Respondent reiterated that this is the action taken by the concerned Public Authority in the complaint of the Appellant. Commission made it clear to the Respondent PIO that mere forwarding of complaint seeking comment of the individual against whom complaint is made to the public authority cannot be considered as an '*action*' or action taken report and Public Authority (Village Panchayat of Majorda-Utorda-Calata in this case) is bound to take action on the complaint lodged with the public authority by the Appellant and provide the details/report of such action as reply to the application dated 29/02/2024 filed by the Appellant.
8. However, Respondent PIO firmly stood on his statement that forwarding of complaint to the individual against whom complaint of illegal works is made to the Public Authority is the action in the complaint referred in the RTI application. Adjourning the matter to 20/03/2025, Commission directed the Respondent PIO to file submission in the matter including status on the information provided to the Appellant vide his application and the implementation of the order passed by the FAA.

9. When the matter taken up for hearing today i.e. 20/03/2025, Appellant and Respondent PIO appeared in person. Appellant filed a rejoinder dated 20/03/2025 stating the Respondent PIO has never replied to the Appellant till date and Respondent No.1 has malafidely and deliberately denied the information for the past 9 months because Respondent No.1 is hand in gloves with the parties, who had carried out illegal construction against whom Appellant lodged complaint to the Village Panchayat of Majorda-Utorda-Calata.
10. Respondent PIO in his written submission stated that Appellant has asked the '*action taken report*' under RTI Act 2005 and the word '*action*' is not defined under RTI Act, 2005 and cited definition of '*Information*' u/s 2 (f) of the RTI Act. Respondent PIO further stated that the even though the word '*action*' is not defined under RTI Act, 2005, based on the '*action*' taken by the Panchayat body meeting dated 12/03/2024 (Resolution No.6(11)- i.e. forwarding the complaint dated 29/02/2024 to the individual, against whom complaint is lodged before the Village Panchayat by the Appellant, in order to offer her comments, is informed to the Appellant vide letter dated 02/09/2024.
11. Taking a strong objection to the Respondent PIO's attempt to cover up his failure in addressing the RTI application of the Appellant dated 29/02/2024 by stating that the word '*action*' is not defined under RTI Act 2005, Commission has come to the conclusion that the Respondent PIO has totally misinterpreted and misunderstood what is 'Action Taken Report'.
12. '**Action Taken Report**' is a document that details the action taken by the Public Authority following a complaint or a request for information.
 - The purpose of an Action Taken Report is to ensure transparency and accountability in the functioning of public authorities.
 - It allows the citizens to trace the progress of their complaints and hold the authorities accountable for their action.
 - The public authority is obliged to provide the information sought, including the Action Taken Report unless it falls under any of the exemptions provided in Section 8 of the RTI Act 2005.

- While not explicitly mentioned on 'action taken report' on a complaint lodged can be sought under the RTI Act.

Commission's Observation

13. In the present appeal, Majorda-Utorda-Calata Panchayat body meeting (12/03/2024) forwarding (29/04/2024) the complaint dated 29/02/2024 of the Appellant seeking the comment of the individual against whom complaint is lodged in the Village Panchayat of Majorda-Utorda-Calata. cannot be considered as an action taken by the Public Authority (Village Panchayat of Majorda-Utorda-Calata) on the complaint till date and the conduct of Respondent PIO appears to be not befitting to a PIO and looks arrogant to information seeker. He extensively support the non-furnishing of information (action taken report on complaint) by stating that the word '*action*' is not defined the RTI Act 2005.

DECISION

Commission disposed off the Appeal No. 277/2024/SCIC today, i.e. 20/03/2025 with the following decision/directions:

- i. **Considering the failure of the Respondent PIO to furnish information to the RTI application within the stipulated time frame envisaged under Section 7(1) of the RTI Act 2005, non compliance of the order dated 27/08/2024 passed by the FAA, arrogant and negligent attitude of the Respondent PIO, Commission decided to impose a penalty of Rs. 15,000/- against Respondent PIO & Secretary, Village Panchayat of Majorda-Utorda-Calata, Shri CustodioFaria, u/s 20(1) of the RTI Act 2005.**
- ii. **Directed the Respondent PIO to furnish the information sought for by the Appellant vide RTI appeal dated 18/06/2024 within 15 days from the receipt of the order.**

iii. **Directions to Director of Panchayats**

The Director of Panchayats to issue directions to the Village Panchayat of Majorda-Utorda-Calata to take appropriate action on the complaint dated 29/02/2024 filed by the Appellant and furnish the action taken report on the complaint to the Appellant through PIO Village Panchayat of Majorda-Utorda-Calata instead of relying on the stand of the PIO that the word 'action' is not defined under the RTI Act.

Compliance report regarding the deduction of the penalty amount of Rs. 15,000/- should be sent to this Commission within 15 days of the receipt of the order.

Disciplinary Proceedings

Respondent PIOs arrogancy, failure to effectively discharge his obligations as PIO and non-compliance of the order passed by the First Appellate Authority warrant, disciplinary action under appropriate Service Rules and **hence, Director of Panchayats is directed to take necessary actions in this regard.**

iv. **Directions to BDO, Mormugao**

The BDO Mormugao to ensure the execution by the PIO of the order passed at the capacity of First Appellate Authority under sub section (1) or sub section (2) of Section 6 of RTI Act 2005;

- Proceedings stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC

