

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

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Appeal No. 10/2024/SIC

Lucy Cardozo,
C/o. J.T.Shetye,
H.No. 35/A, Ward No.11,
Khorlim, Mapusa-Goa.

..... Appellant

V/s

1.Public Information Officer,
The Secretary,
Village Panchayat Calangute,
Calangute, Bardez-Goa.

2. First Appellate Authority,
Block Development Officer-I,
Office at Government Complex,
Mapusa-Goa.

.....Respondents

Shri. Atmaram R. Barve State Information Commissioner

Filed on: 09/01/2024
Decided on: 20/12/2024

ORDER

1. The Appellant Smt. Lucy Cardozo had made the original Right to Information (RTI) application dated 8/08/2023 before the Public Information Officer (PIO) of Village Panchayat Calangute.
2. Citing the reason of no response from the PIO the Appellant preferred the first appeal before the competent authority on 12/10/2023.
3. The First Appellate Authority (FAA) vide order dated 10/11/2023 directed the PIO to furnish the requisite information to the Appellant within 15 days.

4. Thereafter citing the reason of failure on the part of the PIO to comply with the order passed by the FAA the Appellant preferred second appeal dated 9/01/2024 before this Commission.
5. In the mean time due to the former Commissioners demitting office matter was taken up only upon resumption of proceedings and a showcause notice was issued to the PIO for failure to file a reply.
6. Thereafter the Respondent PIO filed an elaborate reply to the said showcause notice on 18/11/2024 and also provided the information to the Appellant herein interms of her original RTI application.
7. The Appellant was given time till 5th December 2024 to file her response as to whether the information furnished is complete or not.
8. However, the Appellant has not filed any such response that could highlight discrepancies or insufficiency in so far as the information furnished is concerned.
9. The conduct of the PIO in this matter is questionable and is inconsistent with the spirit of the RTI Act.
10. In the normal course such a conduct would have attracted penalty against the PIO. However, the absence of Commissioner's in office and the fact that matters were not decided in the interim period by this

Commission has to be considered as a valid ground for giving benefit of doubt to the PIO herein.

11. No response on the part of the Appellant for more than four weeks is thus considered as satisfactory acceptance of information. On the part of the seeker.
12. In the light of the above the present second appeal is dismissed. However, the Director, Directorate of Panchayat, Govt. of Goa is directed to sensitize the PIO's in the ambit of the Department to uphold the spirit and sanctity of RTI Act.
13. Providing information to the seeker after the matter reaching the second appeal stage cannot become a precedent and should not be used by the PIO's to escape from their responsibilities entrusted under the RTI Act.
14. The PIO herein has been represented by an Advocate; and as such the Director, Directorate of Panchayat to ensure that Advocate engaged by the PIO shall be paid by the PIO in their personal capacity.
15. Accordingly the second Appeal stands dismissed.

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/-

(Atmaram R. Barve)

State Information Commissioner