GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve State Information Commissioner

Appeal No. 400/2023 /SIC

Ms. Sharlet Fernandes,
Francisco Costa Ward 317,
Utorda-Majorda,
Salcete-Goa 403713. .....Appellant

V/S

1. The Public Information Officer (PIO),
   Village Panchayat Secretary,
   Village Panchayat of Majorda-Utorda-Calata,
   Majorda-Goa 403713.

2. The First Appellate Authority (FAA),
   Block Development Officer,
   2nd Floor, Our Lady of Guia Bldg.,
   Vasco-Mormugao-Goa. .....Respondents

Shri. Atmaram R. Barve State Information Commissioner

Filed on :-01/11/2023
Disposed on: 16/12/2024

ORDER

1. The present second appeal arises out of the Right to Information Application made by the Appellant herein Ms. Sharlet Fernandes, addressed to Public Information Officer (PIO) of Village Panchayat Majorda-Utorda-Calata on 19/08/2023.

2. On the grounds that no response was issued by the PIO within the stipulated time period of 30 days; the Appellant herein preferred the first Appeal on 29/09/2023.

3. Vide Communication dated 05/10/2023, during pendency of the First Appeal; the PIO Shri. Custodio Faria provided part information to the Appellant and informed further that

information sought at point 2 of the aforementioned application is in progress.

4. Vide order dated 25/10/2023 the First Appellate Authority (FAA) dismissed the First Appeal, citing the reason of satisfactory furnishing of information by the PIO.

5. Aggrieved by the said order the Appellant herein preferred this Second Appeal dated 01/11/2023.

6. Notices were issued to the parties on 11/12/2023 and matter was taken up from 10/01/2024 onwards.

7. Due to the former Commissioner demitting office; the regular proceedings in this matter resumed from 04/11/2024 onwards.

8. It is the contention of the Respondent PIO that all the relevant information has been already provided to the Appellant.

9. The PIO further contends that the Appellant herein; could have ordinarily sought the said information from the Sarpanch, instead of filing an RTI (Right to Information) Application.

10. In the rejoinder to the reply filed by the Respondent PIO; the appellant has refuted all the contentions and has reiterated that the information has been denied to her; as already highlighted in the Appeal Memo.

11. Both the parties filed their written Arguments in support of their contentions.

12. Oral arguments of both the parties were also heard and proceedings were concluded in this matter.

13. Upon perusal of the material on record and the arguments proceeded by both the parties; this Commission is of the opinion that:-

a) The Public Information Officer (PIO) Shri. Custodio Faria has failed to discharge his duties in terms of Section 7(1) of the Right To Information Act. 2005,

b) Non issuance of any response in the initial period of 30 days, furnishing part information, not specifying time limit for furnishing the balance information at the stage of First Appeal are nothing but attempts to cause prejudice to the right of the Information seeker.

c) The First Appellate Authority has failed to address the fundamental issue of non adherence to the prescribed time-limit on the part of the PIO in responding to the Right To Information Application.

d) The First Appellate Authority also failed to address the aspect of sufficiency of the information furnished in so far as the Response dated 05/10/2023 of the PIO is concerned and as such the order dated 25/10/2023 if ought to be set aside.

14. The conduct of the PIO towards information seekers has to improve and the PIO ought to discharge his duties upholding the letter and spirit of the Right to Information Act, 2005.

15. In view of the above; the present second appeal is disposed off with the following orders:-

a) The present second appeal is allowed;

b) The order of the First Appellate Authority is set aside;

c) The Public Information Officer (PIO) Shri. Custodio Faria is directed to provide a fresh inspection of the concerned filed/information/documents as the case may be; in terms of her RTI application dated 19/08/2023 and furnish authenticated copies of relevant documents free of cost; on or before 20/02/2025.

d) The PIO is directed that henceforth; while responding to RTI applications; in case a certain information cannot be furnished to the seeker; then the reasons and relevant provisions of the RTI Act, 2005 should be clearly mentioned in the first response to RTI Applications.

e) The Registry to issue a showcause notice to the PIO and seek clarification on why no penalty and disciplinary proceedings should not be initiated against him in terms of section 20(1) of the RTI Act, 2005.

f) Registry to ensure that PIO Shri. Custodio Faria remains present with reply to the Show Cause Notice on 28/02/2025 and also submits compliance report in terms of orders above.

No order as to cost.

Pronounced in open court.

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