

GOA STATE INFORMATION COMMISSION
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Appeal No. 354/2023 /SIC

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

.....Appellant

V/S

1. Shri. Custodio Faria/
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 :-03/10/2023
Disposed on: 15/01/2025

ORDER

1. This present second appeal arises out of RTI (Right to Information) application dated 17/07/2023 issued by Ms. Sharlet Fernandes and addressed to the Public Information Officer of Village Panchayat Majorda-Utorda, Calata, Salcete-Goa.
2. Vide reply dated 14th August 2023 the PIO Shri. Custodio Faria informed the Appellant herein that information sought by her is not available in the Panchayat and hence cannot be furnished.

3. Thereafter, the Appellant herein preferred the first Appeal dated 22/08/2023 in this context.
4. Vide order dated 8th September, 2023 the First Appellate Authority (FAA) dismissed the first Appeal of the Appellant herein.
5. Thereafter aggrieved by the said order the Appellant herein preferred this second appeal dated 3rd October, 2023.
6. Notices were issued and matter was heard from 29th November, 2023 onwards. Due to the former Information Commissioner demitting Office the proceedings in this matter resumed from 4th November, 2024 onwards. Both the parties have filed their contentions replies, rejoinders as well as written arguments respectively.
7. In view of the Appeal memo as well as other submissions and material brought on record this Commission is of the considered opinion as under:-
 - a) Section 2(f) of this Act clearly defines the term information as, even "data material held in electronic form" and as such the Appellant here in is very much entitled to seek the information interms of her Right to Information application referred above.
 - b) The Respondent PIO's contention that technical experts intervention was sought is not supported by any relevant report or any other material that would suggest the same, however, the same has been sworn in the form of an affidavit.
 - c) Although the information ought to have been given to the seeker within the prescribed time limit but due to the passage of time beyond 20

days the said data appears to have passed the scope of retrieval due to being auto deleted and as such has become fait accompli.

d) The actions on the part of the PIO as well as absence of a express record retention policy a grave prejudice has been caused to the right of the information seeker.

e) It has been observed that the Roznama entry by way of which the First Appellate Authority has disposed the first Appeal is hand written in an largely illegible manner leaving a lot of scope for ambiguity which has to be duly addressed by the concerned.

8. Therefore the present second appeal is disposed off with the following orders:-

a) The Public Information Officer (PIO) is directed to provide information to the seekers henceforth within ten to fifteen days of receipt of such application wherein such electronic data including CCTV footage is sought under the Right To Information Act.

b) The Director- Directorate of Panchayat Govt. of Goa is directed to forthwith initiate steps to notify a 'record retention policy' for documentary as well as electronic records in the ambit of its Administrative Authority and submit a compliance report on or before 15th February, 2025, to that effect.

c) The Director-Directorate of Panchayats shall issue proper instructions to the First Appellate Authorities under its ambit to

record the Roznama in typed manner rather than handwritten content.

- d) The Govt. of Goa through its Chief Secretary shall also immediately takes steps to formulate a record retention policy for documentary as well as Electronic record for all its Departments covered in the ambit of the Right to Information Act in a time bond manner.

Appeal disposed off with no order as to cause.

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