GOA STATE INFORMATION COMMISSION

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Shri. Atmaram R. Barve State Information Commissioner

Appeal No. 84/2024/SIC

Leeandra Ermina Correia,
R/o. H.No. 5/202, Umta Vaddo,
Calangute, Bardez-Goa. ----------**Appellant**

V/s

1.Public Information Officer (PIO),
Village Panchayat of Calangute,
Bardez-Goa 403516.

2.First Appellate Authority (FAA),
Block Development Officer-I of Bardez,
Block Development Office,
Mapusa-Goa 403507. ----------**Respondents**

Filed on : 28/03/2024
Disposed on: 09/01/2025

ORDER

1. The present appeal arises out of the original Right to Information (RTI) application dated 27/09/2023 addressed to the PIO at Village Panchayat Calangute, by the Appellant herein.

2. After the passage of the stipulated time frame of 30 days, no communication in response to the said RTI application was received by the Appellant herein and as such First Appeal was preferred before the appropriate authority on 23/11/2023.

3. Vide order dated 5th January, 2024 the First Appellate Authority (FAA) allowed the first appeal and directed the PIO to provide physical inspection of the documents and corresponding certified copies to the Appellant herein within 15 days of such order.

4. The PIO issued a letter dated 5th January, 2024 to the Appellant herein mentioning that the record sought by the Appellant is around 27th years old and as such additional 15 days time would be required by the PIO to search the same.

5. Thereafter on account of failure to provide physical inspection and to provide copies of the necessary documents on the part of the PIO the Appellant herein filed the present second appeal dated 28/03/2024 before this Commission.

6. Due to the fact that the former State Information Commissioner has demitted office and no new appointment has been made the matter was taken up upon resumption of proceedings from 25th October, 2024 onwards.

7. Upon perusal of the appeal memo alongwith the annexures thereto, reply filed by the Respondent PIO and arguments proceeded, this Commission is of the opinion that:-

   a) The conduct of the PIO in this matter appears to be of neglect and disregard towards the duties entrusted under the Right to Information Act, 2005.

   b) Not providing any response to the original RTI application during the stipulated time period of 30 days and also not honouring the order of the First Appellate Authority are acts on the part of the PIO that are against the letter and spirit of the Right to Information Act, 2005.

   c) The contentions of the PIO in the reply before this Commission appeared to be attempts to cover up for the denial of information and that there is no material on record even to remotely suggest that

any attempts were made to provide information to the Appellant herein.

d) It would also be inappropriate on the part of the PIO to seek the refuge that he is entrusted with various responsibilities other than those in the Right To Information Act and it is made amply clear that such a stand cannot be accepted as a valid defense, by this Commission.

e) Further, claiming defence of section 2(f) of the RTI Act appears to be an after thought and the PIO had to take this defence while disposing the RTI application under section 7(1) of this Act. Moreover even if the information is missing or not traceable there is nothing on record on the part of the PIO in these proceedings such as seeking/searching the said records with anyother authority or filing of FIR to search the same.

8. In the light of the above the PIO Shri. Arjun Velip is found to be guilty of not furnishing the information to the seeker within the stipulated time period and thereby attracts levying of penalty under section 20(1) of this Act.

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

a. The Public Information Officer (PIO), Shri. Arjun Velip is hereby directed to provide physical inspection of the relevant records to the Appellant herein and provide corresponding certified copies on or before 30/01/2025 free of cost.

b. Registry to issue show cause notice to the Public Information Officer (PIO), Shri. Arjun Velip seeking reply as to why no action should be initiated against him in terms of section 20 (1) of this Act.

c. PIO to remain present in person on 07/02/2025 at 11 a.m. alongwith reply to the show cause notice and the compliance report in terms of orders above.

d. Registry to initiate penalty proceedings against the PIO in case of failure to comply this Order.

No order as to cost.

Appeal disposed accordingly.

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