

## GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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### Complaint No. 17/2026/SCIC

Mrs. Maria Josefa Juliana Teodora Fernandes,  
H. No. 1118, Mazilvaddo, Pitalim,  
Benaulim, Salcete, Goa 403716

-----Complainant

V/s

The Public Information Officer/Secretary,  
Village Panchayat of Cana Benaulim,  
Salcete, Goa 403716.

-----Opponent

**Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC**

### **Relevant Facts Emerging from the Complaint**

|                              |                   |
|------------------------------|-------------------|
| <b>Complaint received on</b> | <b>24/03/2026</b> |
| <b>First hearing held on</b> | <b>11/05/2026</b> |
| <b>Decided on</b>            | <b>11/05/2026</b> |

### **Information sought and Background of the Complaint**

1. Mrs. Maria Josefa Juliana Teodora Fernandes filed an application dated 23/01/2026 to the PIO, Village Panchayat, Cana Benaulim seeking information within 48 hours with regard to illegally blocking of common access through property bearing Survey No. 257/21-D.
2. Failing to receive any reply/information within 48 hours (as sought by the Appellant), Appellant filed first appeal dated 27/01/2026 before the First Appellate Authority stating that the PIO has violated section 7(1) of the RTI Act by not furnishing sought within 48 hours.
3. First Appellate Authority (BDO-I, Salcete) vide order dated 09/02/2026 directed the Opponent PIO to provide requested information, free of cost to the Appellant within 05 days of passing of the order.

4. Following the First Appellate Authority's order dated 09/02/2026, Opponent PIO vide letter dated 28/03/2026 furnished information supported by a bunch of documents.
5. Subsequently, Appellant preferred Complaint dated 24/03/2026 stating that Opponent PIO failed to provide information within 48 hours mandated under the life and liberty clause and the timeline granted by the First Appellate Authority.

### **FACTS EMERGING IN COURSE OF HEARING**

6. Pursuant to the filing of the present complaint, matter took up for hearing on 11/05/2026 for which Complainant and Opponent PIO present.
7. Complainant filed written submission dated 11/05/2026 stating that Opponent PIO failed to provide information within 48 hours under the life and liberty clause, within the statutory period prescribed under the RTI Act and the extended timeline directed by the First Appellate Authority.
8. Complainant prayed before the Commission to initiate penalty proceedings u/s 20(1) of the RTI Act against the Opponent PIO, direct the Opponent PIO to furnish complete information still remaining to be supplied and direct the Opponent PIO to furnish complete information regarding the present status over the Complaint to the Panchayat.
9. Opponent PIO orally submitted that he has furnished all available information to the Complainant. Referring to the Complainant's argument that Opponent PIO failed to furnish sought information within 48 hours from the date of filing of the application, Opponent PIO submitted that information sought by the Complainant does not falls under the life and liberty clause.

- 10.** With regard to the action taken on the Complainant's Complaint over the blocking of traditional access, Opponent PIO orally submitted that show cause notice has been served to the individual who blocked the access and further action include demolition notice subject to the reply to the show cause notice.

### **DECISION**

- i. Upon perusal of the complaint memo and based on the arguments placed by the parties to the present complaint, Commission has come to the conclusion that the original RTI application dated 23/01/2026 do not qualify for the 48 hours proviso to Section 7(1) of the RTI Act, 2005.**

**This clause is strictly applied to cases where a delay in furnishing information could result in irreversible damage to life or the ongoing violations of personal liberty like unlawful detention. No such situation was prevailing in the present RTI application mandating furnishing of information within 48 hours under the life and liberty clause.**

- ii. Opponent PIO is directed to furnish the Complainant present status of the proceedings initiated pursuant to the show cause notice dated 15/04/2026 issued by the Village Panchayat, Cana Benaulim and related development such as -**

- a. Certified copy of show cause notice dated 15/04/2026.***
- b. Reply of the concerned party to the show cause.***
- c. Further action upon receipt of the reply to the show cause notice such as demolition notice, demolition if any, etc.***
- d. Order, if any, passed by the Village Panchayat as a follow up action to the show cause notice, reply etc.***
- e. Present status of the matter.***

Above information should furnish to the Complainant within 10 days from the receipt of the order.

- iii. Since Opponent PIO has been notified for not furnishing information to the Appellant's RTI application dated 23/01/2026 within the stipulated time frame of 30 days from the date of receipt of the application and there is considerable delay in complying with the order dated 09/02/2026 passed by the First Appellate Authority directing the Respondent PIO to furnish sought information to the Appellant within 05 days, **Opponent PIO is directed to show cause** as to why maximum penalty should not be imposed against you u/s 20(1) of the RTI Act, 2005 for failing to execute the obligations cast upon you under the provision of the RTI Act, 2005.

***Reply to the Show Cause should reach the Commission within 15 days from the receipt of this order.***

- Proceeding stands closed.
- Pronounced in open court.
- Notify the parties.

**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/-

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