

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Complaint No. 60/SIC/2010

Mr. V. A. Kamat,  
G-1, Ravindra-A,  
Next to Hotel Ameya,  
Opp. St. Inez, St. Inez,  
Panaji – Goa

...Complainant.

V/s.

1) Public Information Officer –cum-  
First Appellate Authority &  
Member Secretary,  
Goa Coastal Zone Management Authority,  
C/o. Department of Science, Technology & Environment,  
Opp. Saligao Seminar, Saligao,  
Bardez – Goa – 403 511

... Opponent No. 1

Complainant alongwith Adv. S. Sonak.  
Opponent absent.

**Dated: 01.06.2010**

**J U D G M E N T**

Based on the information provided by letter dated 06.05.2009 of Member Secretary, Goa Coastal Zone Management Authority (hereinafter referred to as 'GCZMA') and Director/Ex-Officio Joint Secretary (STE) the Complainant sought further information on 4<sup>th</sup> July, 2009 under RTI Act and requires to know:

1) Which of the twenty one projects mentioned in the letter dated 06.05.2009 fall within 200mts from the high tide line (HTL)?  
2) Requires certified copies of the plans showing markings of HTL in respect of:

(a) Project mentioned at serial no. 6 of the letter-approval/license/NOC granted to Shri Ravish Puri for construction of resort at Majorda.

(b) Project mentioned at serial no. 15 of the letter – approval/license/NOC granted to Shri Stanley Barros Pereira for construction of Sunshine Beach Resort.

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(c) Project mentioned at serial No. 21 of the letter – approval/license/NOC granted to Dr. Ivo Barbosa for construction of hotel.

As the Public Information Officer did not dispose the request nor the First Appellate Authority did not decide the appeal, the present Complaint.

2. By the mandate of section 7(1) of the RTI Act, the Public Information Officer shall dispose the application for information as expeditiously as possible and in any case within thirty days from the receipt of the request. Failure to dispose the request within the stipulated period of thirty days attracts the provision of section 7(2) of the RTI Act and the request is deemed to have been refused. The request dated 04.07.2009 was received by the Public Information Officer-GCZMA on 07.07.2009. As the Complainant did not receive any information within the period of thirty days, preferred the First Appeal and as the First Appellate Authority has not decided the Appeal as per the provisions of section 19(6) preferred this Complaint against the Public Information Officer-cum-First Appellate Authority, that is, both the Public Authorities as one Opponent.

3. The Public Authorities designated as Public Information Officer and the First Appellate Authority under the provisions of RTI Act have to perform functions stipulated in the RTI Act. The Public Information Officer has to decide the application seeking the information under the RTI Act either by providing it on payment of fees or denying it being exempted from disclosure. The information seeker can, if he is aggrieved by the decision of the Public Information Officer, prefer the First Appeal challenging the

reasoning of the Public Information Officer and the First Appellate Authority to decide the First Appeal within the period of thirty days from the receipt of the Appeal and this period could be extended to a total period of forty five days for the reasons to be recorded in writing. Once the duties of the Public Information Officer differ from the First Appellate Authority and the First Appellate Authority assumes the functions of a Public Information Officer and provides the information sought, the First Appellate Authority does not act in accordance with provisions of RTI Act. Moreover, the First Appellate Authority has to assess and adjudicate on the reasoning of denial of information by the Public Information Officer and the information seeker is deprived of his right to file the First Appeal in case the First Appellate Authority also acts as Public Information Officer. It was not proper on the part of the Complainant to make the Public Information Officer-cum-First Appellate Authority as one Opponent in the Complaint.

4. In Appeal No. 277/2008 preferred by the Complainant (Appellant) was in respect of information sought by him on 21.10.2008 and the Public Information Officer of GCZMA was the Respondent No. 1 and the First Appellate Authority-Member Secretary was the Respondent No. 2 in that Appeal. Neither the Public Information Officer provided the information sought nor the First Appellate Authority decided the First Appeal but on 06.05.2009 in reference to the application dated 21.10.2008 and Appeal dated 10.12.2008 the Member Secretary (GCZMA) & Director/Ex-Officio Joint Secretary, DSTE, provided the information required by the Complainant (Appellant) and in the Order dated 16.07.2009 passed in the Appeal No. 277/2008 this Commission with observations that no one has been appointed as Public Information Officer by the GCZMA after the resignation of two Public Information Officers and the First Appellate Authority

cannot perform the duties of Public Information Officer as well, directed the Public Authority of GCZMA to appoint a Public Information Officer to dispose the matters under RTI and provide information to the citizens and the First Appellate Authority to dispose the First Appeals as per the provisions of section 19(6) of the RTI Act.

5. It appears that the Public Authority of GCZMA failed to appoint a Public Information Officer to deal with matters of disposing the applications for information under the RTI Act. Every citizen has a right to information and as per the mandate of section 4 of RTI Act every Public Authority shall designate a Public Information Officer. The GCZMA has notified Adv. Asha Dessai, Legal Assistant as Public Information Officer; Indira Bandekar, Stenographer as Assistant Public Information Officer and Member Secretary, GCZMA as First Appellate Authority. It appears that the appointment of Public Information Officer was on contract basis and after the resignation of the Legal Assistant, the one who has been subsequently appointed also resigned. As a result there is no Public Information Officer in the Office of GCZMA. Right from the date the Order of the Commission was passed on 16.07.2009 directing the Public Authority of GCZMA to appoint Public Information Officer, to this date, the Public Authority has not yet appointed a Public Information Officer thereby showing total disregard to the provisions of RTI Act and depriving the citizen of his right to seek information under the RTI Act. For the above reasons this Complaint succeeds. Hence, the following order:

**ORDER**

1) The Public Authority of GCZMA shall appoint a Public Information Officer within the period of 15 days from the date of this Order.

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2) On his appointment, the Public Information Officer to dispose the application for information under RTI Act dated 04.07.2009 in accordance with the provisions of section 7(1) of the RTI Act.

A copy of this Order to be sent to the Chief Secretary, Government of Goa, Porvorim

Pronounced on this 1<sup>st</sup> day of June, 2010.

**Sd/-**  
**(Afonso Araujo)**  
**State Information Commissioner**

