

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Penalty No. 52/2023

In

Appeal No. 210/2023/SIC

Shri. Narayan Datta Naik,
H. No. 278/1 (3),
Savorfond, Sancoale,
403710.

-----Appellant

v/s

Mr. Orville C. Vales,
Public Information Officer,
Village Panchayat Sancoale,
Pin code No. 403710.

-----Respondent

Relevant dates emerging from penalty proceeding:

Order passed in Appeal No. 210/2023/SIC	: 11/09/2023
Show cause notice issued to PIO	: 14/09/2023
Beginning of penalty proceeding	: 09/10/2023
Decided on	: 19/01/2024

ORDER

1. Penalty proceeding against respondent Shri. Orville C. Vales, Public Information Officer (PIO), Secretary, Village Panchayat of Sancoale has been initiated vide Show Cause Notice dated 14/09/2023, issued under Section 20 (1) and 20 (2) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') for contravention of Section 7 (1) of the Act.
2. The Commission has discussed complete details of this case in the order dated 11/09/2023. Nevertheless, the facts are reiterated in brief in order to appraise the matter in its proper perspective.
3. The appellant vide application dated 02/03/2023, had sought certain information from the PIO. Upon not receiving complete information within the stipulated period, appellant filed first appeal, wherein, the PIO was directed by the First Appellate Authority (FAA) to furnish the information within 15 days. Yet, the appellant received no information from the PIO. Hence, the appellant filed second appeal before the Commission.

4. After due proceeding, the Commission disposed the appeal vide order dated 11/09/2023. The Commission had held that, though the appellant had made indiscriminate requests for bulky information, the Act does not allow the PIO to evade disclosure on the said ground. It was further held that, PIO did furnish part information to the appellant, but made no efforts to justify his action before the Commission.
5. The Commission, while disposing the appeal, had concluded that, the appellant has to be afforded an opportunity of identifying the information he had sought. Further, although the requested information is bulky, the PIO cannot be absolved of his responsibility enshrined in the Act. The Commission held the PIO guilty of not furnishing complete information to the appellant and that the PIO is required to be penalized under Section 20 of the Act, for contravention of Section 7 (1) of the Act.
6. Penalty proceeding was initiated against Shri. Orville C. Vales, PIO. Advocate Zellar D' Souza appeared on behalf of the PIO, filed reply dated 07/12/2023 and submission dated 11/01/2024. Arguments by Advocate Zellar D'Souza were heard on 11/01/2024.
7. PIO vide his reply stated that, nature of the application and action of the appellant indicates that intentions of the appellant are not genuine but an attempt to harass the PIO. The said appellant has been inundating the PIO with application after applications seeking voluminous information and refuses to visit PIO's office in order to inspect the records which may help the PIO to identify the bulky and voluminous information. PIO further stated that, he is ever willing to furnish the information, for which the appellant can come to the office, identify the documents he desires and collect the same after paying the amount, as directed by the Commission.
8. Advocate Zellar D' Souza while arguing for the PIO, stated that, the appellant has taken no further action of visiting PIO's office for inspection, as directed by the Commission. The said inaction of the appellant proves the contention of the PIO, that, the appellant is not interested in the information, rather more interested only in tarnishing image of the PIO. Thus, he prays for withdrawal of Show Cause Notice issued against the PIO.
9. Upon perusal of the records of the present penalty matter and the relevant appeal disposed vide order dated 11/09/2023, it is seen that, the PIO was held guilty of not furnishing the complete

information as required under Section 7 (1) of the Act. However, the Commission had also observed that, the information requested was indeed bulky and voluminous and the appellant has been seeking all and sundry information making indiscriminate requests to the PIO under the garb of exposing corrupt and illegal practices of Village Panchayat, without giving any specific instance of progress of unearthing corrupt practices or cases by the PIO or Sarpanch or any other officer of the said public authority.

10. The Commission had provided an opportunity to the appellant to visit and inspect relevant documents and identify the desired information. However, it is evident that the appellant did not visit PIO's office, meaning he has no interest in getting the information. The Commission finds substance in the arguments of the PIO that the appellant is interested in tarnishing image of the PIO than getting the information. In such a case, the Commission finds that invoking of Section 20 of the Act against the PIO is not required and the present penalty proceeding needs to be closed.
11. Before closing, the Commission notes the reservation expressed by Advocate Zellar D' Souza to the reports published in some newspapers with respect to the disposal of relevant appeal. Such a reservation is unfounded in the eyes of the Commission. Print and electronic media including the newspapers referred by the respondent are part of autonomous media having freedom of reporting or publishing news based on factual information. The newspaper cuttings enclosed by the respondent shows that the said reports are based on the order passed by the Commission on 11/09/2023. The said order has been uploaded on the website of the Commission and is freely available for public viewing / reading. Media, by publishing such factual reports, help to create awareness regarding beneficial provisions of the Act and works as deterrent to the violaters of these provisions.
12. With these observations and in the background of the facts and findings of the present matter, the Commission concludes that invoking of Section 20 of the Act against the PIO is not required and the present penalty proceeding needs to be dropped.
13. Hence, the Show Cause Notice issued against Shri. Orville C. Vales, PIO stands withdrawn and the penalty proceeding is dropped. The matter is disposed and the proceeding stands closed.

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/-

Sanjay N. Dhavalikar

State Information Commissioner
Goa State Information Commission
Panaji - Goa