

# GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

**CORAM: Shri Juino De Souza State Information Commissioner.**

**Appeal Numbers: 04/SCIC/2012, 05/SCIC/2012, 77/SIC/2013, 86/SIC/2012, 87/SIC/2012, 88/SIC/2012, 89/SIC/2012, 90/SIC/2012, 91/SIC/2012**

Kunda Kerkar  
Goa Legislative Assembly  
Porvorim, Goa.

..... Appellant

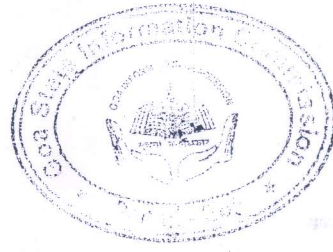
**v/s**

1. PIO, Goa Legislature Secretariat,  
Porvorim-Goa.
2. FAA, Secretary, Goa Legislature Secretariat.  
Porvorim-Goa.

..... Respondents

## **Relevant emerging dates:**

Date of Hearing : 28-04-2016  
Date of Decision : 28-04-2016



No.	Appeal Nos.	Dt of Filing Application	Dt of PIO reply	Dt of filing First Appl	Dt of FAA Order	Dt of filing Second Appl
1)	Appeal 04/SCIC/2012	20/07/2011	22/08/2011	24/08/2011	13/10/2011	06/01/2012
2)	Appeal 05/SCIC/2012	26/07/2011	26/08/2011	26/08/2011	13/10/2011	06/01/2012
3)	Appeal 91/SIC/2012	14/10/2011	14/11/2011	06/12/2011	17/01/2012	24/04/2012
4)	Appeal 77/SIC/2013	01/03/2013	01/04/2013	15/04/2013	10/05/2013	17/06/2013
5)	Appeal 90/SIC/2012	24/08/2011	26/09/2011	11/10/2011	30/11/2011	23/04/2012
6)	Appeal 89/SIC/2012	14/10/2011	14/11/2011	06/12/2011	17/01/2012	23/04/2012
7)	Appeal 88/SIC/2012	08/09/2011	07/10/2011	21/10/2011	30/11/2011	23/04/2012
8)	Appeal 87/SIC/2012	01/11/2011	01/12/2011	06/12/2011	17/01/2012	23/04/2012
9)	Appeal 86/SIC/2012	13/09/2011	13/10/2011	13/10/2011	30/11/2011	23/04/2012

## O R D E R

1. The above nine Appeals pertain to one and the same parties and having similar subject matter and as such they are combined together and disposed by one common order.
2. Brief facts of the Case are that the Appellant Kunda Kerkar has filed nine separate Appeals before the Commission challenging various orders passed therein by the Respondent No. 2 who is the FAA. The main grievance of the Appellant is that the Respondent PIO is furnishing unsatisfactory replies which are very vague, inconclusive and evasive and the prayer in all the Appeals are to quash and set aside the Orders of the FAA and direct Respondent No 1. PIO to furnish correct information and also to impose disciplinary proceedings against the PIO, penalty and other such reliefs.
3. All important dates including the dates of filing various RTI applications by the Appellant seeking information from the PIO, the dates of the reply given by the PIO, the dates of filing First Appeals, dates on which the FAA disposed the said First Appeals and finally the dates on which the Appellant preferred Second Appeals under 19(3) before the Commission are listed in the tabulation above.
4. During the hearing the Appellant is absent despite advance notice without intimation to the Commission. It is seen from the records of the Roznama that during the last hearing held on 23/03/2016 the Appellant was present and had however sought an adjournment stating that she wants to consult with her lawyer and accordingly by consent the matter was adjourned to 28/04/2016. The Appellant was also informed that no further adjournment will be allowed as the appeals which are five years old pertaining to the years 2011-12 need to be disposed off on priority basis.

5. The Respondent PIO Under Secretary, Legislature Dept. Mrs. Ligia Godinho alongwith FAA Mr. N. B. Subhedar, Secretary, Legislature Secretariat are both present in person. The Respondent PIO submits that the Appellant is a staff member and is repeatedly filing multiple RTI applications seeking voluminous information pertaining to service and administrative records with a view to settle personal scores as the Appellant has been downgraded in her promotion and as such wrongly carries a grudge against the other staff members and officers and has therefore resorted to harassment by filing such RTI applications.
6. The Respondent PIO further submitted that the modus operandi of the Appellant is to first file the RTI application seeking voluminous information and then immediately file the First Appeal irrespective of the fact that the information was furnished by falsely claiming non-receipt of information by the PIO and thereafter irrespective of the order passed by the FAA to file a Second Appeal under Section 19(3) before this Commission stating that information is not provided to her.
7. The Respondent PIO further submits that all information whatever is available has been provided to the Appellant and that nothing survives in the second Appeals which need to be dismissed.
8. The Respondent PIO files a written declaration confirming the facts which is taken on the record of the file. The FAA in his submissions contended that all the First Appeals have been disposed off after affording proper hearings to both parties. The FAA submitted that in some cases directions were giving to the PIO to furnish the information and in some cases the information asked by the Appellant came under exemption category and as such could not be disclosed by the PIO and in some other appeals it was held that the relevant information was already furnished to the Appellant by the PIO.

9. The Commission on scrutiny of the files in all the nine files observes the following: It is indeed a fact that the Appellant has been filing repeated multiple RTI Applications with same, similar or slightly altered information request under RTI Act asking voluminous information pertaining to service related records and administrative matters of the staff posted in the Legislature department and although the information is supplied by the PIO, the Appellant by suppressing facts claims non-receipt of the same which is utter abuse of RTI. It is found that in some cases the Appellant has not even waited for a day to analyse the information provided by the PIO and has instead filed First Appeals with the FAA on same date.

10. Some pointing dates are as follows: In Appeal no 05/SCIC/2012 it is seen that the PIO replied on 26/08/2011 and on the very same date i.e. 26/08/2011 the Appellant filed a First Appeal. Also in Appeal No 86/SIC//2012 the PIO has given reply on 13/10/2011 and on the same date i.e. 13-10-2011 the First Appeal is filed before the FAA. Further it is observed that out of nine Second Appeals there are five Second Appeals filed before this Commission on the same date i.e. 23/04/2012 and two second appeals were filed on 06/01/2012.

11. As stipulated in the RTI Act the role of the PIO is to provide information as available from the records. Regrettably the PIO cannot procure information for the satisfaction of the Appellant. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. It means that the Public Information Officer is required to supply the 'material' in the form as held by the public authority, but not to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

- 12.** Further the PIO is not authorized to give any information which is non-existent nor can he create or analyze the information correctly as per the whims and fancies of the Appellant. The PIO is only called upon to supply information accurately in accordance with record available without conceding or withholding any information.
- 13.** The very fact that the information was given it is sufficient to prove the bonafide that the PIO has acted reasonably and diligently and that information given was as available and as it existed as per the records available and which is the mandate of the RTI Act.
- 14.** The Commission therefore is of the considered view that the PIO has not faulted in anyway. The Commission has also carefully gone through all the orders passed by the FAA in the nine appeals respectively and comes to the finding that the Orders passed were indeed reasonable, just and proper.
- 15.** It is pertinent to note that the Hon'ble Supreme Court of India's Judgment in Civil Appeal No.6454 of 2011, Central Board of Secondary Education & others v/s Aditya Bandopadhyay & others has held as follows:-
- "Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure on the authorities under the RTI Act should not lead to employees of public authorities prioritizing information furnishing at the cost of their normal and regular duties".*

**16.**The Central Information Commission in its order No.CIC/AD/A/2013/001326SA delivered on 25/06/2014 in the case of **Mr. Ramesh Chand Jain Vs. DTC** with respect to RTI applications which are repetitive and harassing in nature had observed as follows:-

*"The Commission noticed three or four former employees in every public authority, who were either suspended or removed or facing charges, convicted in a crime or facing disciplinary action trying to run a counter inquiries with harassing questions. The Commission also noted an atmosphere of fear and worry was spread in the offices and the officers are hesitating to take action against erring staff members for fear of facing flood of questions under RTI. Sometimes, the RTI applications are running into hundreds similar to those posed by lawyers during cross examination. It is almost a parallel enquiry against the authorities whose decision or disciplinary action might have adversely affected them "*

**17.**The decisions of CIC in **Prem Prakash Kumar v NFL, Panipat**, (Decision no. 246/IC/(A)/2006, F.No. CIC/MA/A/2006/00374 & 375 dated 28 August 2006). In **Shri Gopal Soni v The New India Assurance Company Ltd** (F No CIC/AT/A2008/00097, 000116, 000124, dated 12.6.2008) the Hon'ble Commissioners have observed that repetition of applications under RTI would lead to wastage of public money and energy of public offices like PIO, AA and CIC.

**18.**The Commission comes to the conclusion that the Appellant has received the information and it appears that the cause for filing repeated multiple RTI applications was to harass the staff of the public authority and there is no public interest served. No intervention is required by the Commission with the orders passed by the FAA. The nine Appeals being devoid of any merit stand dismissed.

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.




(Juino De Souza)

**State Information Commissioner**