

# GOA STATE INFORMATION COMMISSION

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

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

**Appeal No. 87/SCIC/2011** / 12

Mr. Pedro Castanha,  
Sao Jose de Areal,  
Salcete, Goa

..... Appellant

v/s

Public Information Officer,  
Secretary, V P Sao Jose de Areal,  
Salcete, Goa

..... Respondent

**Relevant emerging dates:**

Date of Hearing : 28-03-2016

Date of Decision : 28-03-2016

## **ORDER**



**BRIEF FACTS OF THE CASE:**


1. The Appellant herein had vide his application dated 11-01-2011 sought certain information under RTI Act and whereas the PIO vide his letter dated 9-2-2011 had informed the Appellant that the information is ready and to collect the same on payment of necessary fees.
2. Thereafter the Appellant had moved the FAA being aggrieved by the reply of the PIO and the FAA by an order no FA/BDOS/RTIA/47/2010/3299 dated 21-03-2011 had directed the PIO to provide information free of cost.
3. The Appellant subsequently filed a second appeal before the commission stating that the information furnished is incomplete, incorrect and false. It is observed that this commission by its Order dated 24-10-2011 partly allowed the Appeal stating that no intervention of this commission is required as information is furnished while at the same time asking the Appellant to prove that the information furnished is incomplete, incorrect, false and posting the enquiry on 28-11-2011.
4. During the hearing the Appellant Mr. Pedro Castanha is absent despite advance notice sent by Registered Post (RPAD) without intimation to this Commission. The Respondent PIO Mr. Krishna Gaude who is present in person submits that all information true and correct has been furnished to the Appellant and despite this the Appellant may take inspection of the files and collect copies of whatever information he so desires and which will be given to him to the best of his satisfaction.

5. The PIO furnishes a written declaration dated 28-03-2016 confirming the facts and stating that nothing survives in the Appeal while requesting the commission to dispose the matter. The said declaration is taken on record of the file.
6. The Commission on examination of the records in the file is of the view that this is an old matter of the year 2011, therefore asking the Appellant to prove his case in the year 2016 after a lapse of five years and conducting an enquiry to ascertain whether the information furnished by the PIO to the Appellant is wrong or right is not only a long drawn time consuming process that may take years for the enquiry to conclude but will also harass the complainant with delays and unnecessary expenditure, besides not serving any useful purpose and will be an exercise in futility.
7. No doubt while inquiring into a complaint under Section 18, the commission has the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (*Judgment of the Supreme Court in the case Chief Information Commr. and Another State of Manipur supra ..para 29*). Further, section 18 (2) states that 'Where the State Information Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.'
8. The Commission while conducting an enquiry will have to follow the prescribed procedure under the Indian Evidence Act including: summoning and enforcing the attendance of persons and compelling them to give oral or written evidence on oath and to produce documents or things; requiring the discovery and inspection of documents; receiving evidence on affidavit; requisitioning any public record or copies thereof from any court or office; issuing summons for examination of witnesses or documents; and any other matter which may be prescribed.
9. 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.



10. 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. It is not a case where the PIO has denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information.
11. The very fact that the Commission in its Order 24-10-2011 has held in its findings that no intervention is required as far as information was concerned is sufficient to prove the bonafide that the PIO has acted reasonably and diligently and that has furnished information as was available and as it existed as per the records available and which is the mandate of the RTI Act. Therefore I am of the view that after arriving at such conclusion the Commission should have closed the Appeal instead of ordering a one sided enquiry by making the Appellant to prove his case and which decision in my considered opinion seems erroneous and suffers from legal infirmity.
12. The Commission therefore finds it prudent to recall the part of the order dated 24/10/2011 and accordingly orders the enquiry proceedings to be closed. There is no need for the Appellant to prove his case before this commission however the Appellant if so advised can seek other legal remedies to agitate his grievance that the information furnished was incorrect and misleading before the appropriate forum in accordance with law.
13. Further in view of the declaration filed by the PIO, the Appellant is at liberty to approach the office of the PIO and take inspection of the files and obtain copies of whatever information within 30 days of the date of this order latest by 27-04-2016 if he so desires.

With these observations the Appeal is disposed. Pronounced in open court at the conclusion of the hearing. Authenticated copies of the order to be sent to the parties free of cost.

  
Under Secretary  
Goa State Information Commission  
Panaji - Goa.

*Sd/-*  
(JUINO DE SOUZA)  
State Information Commissioner