

# GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Juino De Souza, State Information Commissioner.

Appeal No. 160/SCIC/2011 | 1090

Estevao Po ,  
Merces, Goa

..... Appellant

V/s.

PIO, Under Secretary (Personnel-II)  
Secretariat, Porvorim-Goa

..... Respondent

Relevant emerging dates:

Date of Hearing : 09-03-2016

Date of Decision : 09-03-2016



## O R D E R

1. The Appellant Shri Estevao Po is absent despite advance notice sent by RPAD without intimation to this commission. Respondent PIO, Under Secretary (Personnel-II) is represented by APIO Mrs. Nayan Pednekar who is present in person.
2. The Respondent submits that as per records on the file that all true and correct information was furnish to the Appellant and which fact has been confirmed as per the Order of this commission passed on 29/2/2012. The Respondent further submits that the Appellant is not coming forward to prove his case as was directed by the commission and as such this old pending matter may be disposed.
3. 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 complainant 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 Complainant 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.
4. 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* ) .....2
5. 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.

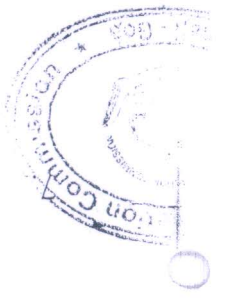
6. As stipulated in the RTI Act the role of the PIO is to provide information as available from the records. Regrettably the PIO cannot procure information for the satisfaction of the Appellant/ Complainant. The Act, however, does not require the Public Information Officer to deduce some conclusion from 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.

The PIO or the APPIO 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/ Complainant. 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.

8. I am therefore of the considered opinion 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.  
9. The Commission therefore finds it prudent to recall the Order dated 29-02-2012 and accordingly orders the one sided enquiry proceedings to be closed.

10. 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.

11. Order passed accordingly. Enquiry proceedings stands closed. Matter disposed. The proceedings in the case are accordingly closed. Pronounced in open court at the conclusion of the hearing. Copy of the Order be given to parties of free of cost.



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