

GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Juino De Souza State Information Commissioner.

Appeals Nos. 168/SIC/2011, 169/SIC/2011, 170/SIC/2011, 171/SIC/2011, 172/SIC/2011

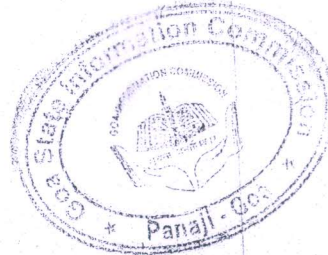
Above five Appeals are clubbed together and disposed with one common order

Shri Nishant Gurudas Sawant,
H. No.1188,
Mahalaxmi Bandora,
Ponda – Goa.

.....Appellant

v/s

1. State Public Information Officer
Executive Engineer,
Work Division XVI(R),
PWD, Ponda – Goa.



2. FAA/SSW,
PWD,
Altinho, Panaji – Goa.

.....Respondents

Relevant emerging dates:

Date of Hearing : 12-05-2016

Date of Decision: 12-05-2016

O R D E R

The above five Appeals pertain to one and the same parties and are having same subject matter and as such they are combined together and disposed by one common order.

Brief facts of the Case are that the Appellant Nishant Gurudas Sawant had filed five Appeals before the Commission challenging various orders passed therein by the Respondent No2 who is the FAA. The prayers in all the appeals are to direct Respondent No 1. PIO to furnish information and other such reliefs.

3 During the hearing the Appellant Mr. Nishant G. Sawant is present. The Respondent PIO is represented by Adv. Atish Mandrekar along with APIO Mr. Somnath Devdas, the FAA is represented by Dilip B. Khaunte are all present.

4. The Appellant submits he is entitled to have information and that he is willing to pay for the same. Per contra the Advocate for the PIO contended that the Appellant has filed five appeals seeking information from the PWD Department and although the information was kept ready the Appellant did not come forward to make payment for the information copies and wants them free of cost. He further submitted that the Appellant had filed First Appeals after considerable delay exceeding the mandatory period of 30 days and as a result all the First Appeals were dismissed by the FAA for being time barred.
5. The Commission observes that the Appellant is a habitual information seeker and is filing multiple applications with same, similar or slightly altered information requests under RTI Act on issues of tenders related information in the PWD department and when the information is kept ready he does not come forward to collect the same and wants it free of cost which is utter abuse of RTI.
6. It is pertinent to note that the Hon'ble Supreme Court of India Judgment in Civil Appeal No.6454 of 2011, Central Board of Secondary Education and 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. Non should it be converted into a tool of oppression or intimidation of honest official 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 a public authorities prioritizing information furnishing at the cost of their normal and regular duties".



- 7 The Commission however gives an opportunity to the Appellant to collect the said information from the PIO on payment of the same and accordingly the all orders passed by the FAA in the respective appeals are set aside.
- 8 The Commission directs the Appellant to approach the office of Respondent PIO within 30 days of the date of this Order i.e latest by 15-06-2016 before 4pm and collect the relevant information after paying the prescribed fees and photocopying charges if he so desires. The PIO is directed to extend full cooperation in supplying the said information after collecting the necessary payment from the Appellant.

With these directions all the above five Appeals are disposed off. The proceedings in all the above Appeal cases are closed. Pronounced in open court at the conclusion of the hearing.

Authenticated copies of the Order be given to parties of free of cost.

sdt

(Juino De Souza)

State Information Commissioner

