

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza State Information Commissioner.

Appeal No. 253/SIC/ 2011

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

.....Appellant

v/s

1. State Public Information Officer
Executive Engineer,
Work Division XVIII(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

1 Brief facts of the Case are that the Appellant Nishant Gurudas Sawant had vide his application dated 29/04/2011 sought certain information from the Respondent PIO regarding Tender No. PWD/Div XVIII(R)/TECH/2010/F-5/35/2010-11 under the Right to Information Act, 2005. The Appellant stated that he did not receive information within time specified from the Respondent PIO and being aggrieved filed an Appeal before the FAA vide his application dated 17/06/2011.

2 The FAA in his order dated 06/09/2011 directed the PIO to furnish the Appellant certified copies of the documents as sought by him vide his application dated 29/04/2011 on payment of necessary charges as applicable within a period of 10 days from the date of receipt of his order.

- 3 The Appellant alleges that despite the order of the FAA, the PIO did not furnish him the requisite information. Hence the Appellant has filed a Second Appeal before this Commission on 29/11/2011.
- 4 During the hearing the Appellant Mr. Nishant G. Sawant is present in person. The Respondent PIO is represented by Adv. Atish Mandrekar along with APIO Mr. APIO Shri. Somnath Devdas and the FAA represented by Shri Dilip B. Khaunte are all present in person.
- 5 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 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 Appeal and as per directions of the FAA to furnish the information the same was kept ready and the Appellant was called upon to deposit the amount and which is not done.
- 6 The Commission on scrutiny of the file observes that a reply dated 10/02/2012 filed by the Respondent PIO annexing all copies of the correspondence exchange between the PIO and the Appellant is on record. The Respondent had sent letters dated 06-05-2011, 25-05-2011, 16-6-2011., 12-7-2011, 14-09-2011 and 17-10-2011 which clearly prove that while the PIO is ready to furnish the information the Appellant is not ready to pay.
- 7 The commission is of the view 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.

- 8 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 & 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 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 orders passed by the FAA is set aside. 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 the above Appeal is 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.

Sd/-

(Juino De Souza)

State Information Commissioner



Under Secretary
Goa State Information Commission