

GOA STATE INFORMATION COMMISSION

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

CORAM: Shri Juino De Souza, State Information Commissioner.

Complaint No. 69/SIC/2011 1079

Mr. Andrew Menezes,
NIO, Dona Paula, Goa

..... Complainant

V/s.

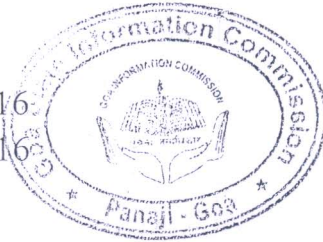
PIO, Reg. Coop Societies,
Panaji, Goa

..... Respondent

Relevant emerging dates:

Date of Hearing : 11-03-2016

Date of Decision : 11-03-2016



ORDER

1. The Complainant Mr. Andrew Menezes is present in person. The Respondent PIO Mrs. Pratima J. Braganza is present along with Mr. Pramod Naik (Auditor) in person.
2. During the hearing the Complainant submitted that he has received incorrect and misleading information, but the same is disputed by the Respondent who contends that true and correct information was given.
3. On perusing the file the Commission observes that the Complainant herein had earlier filed a Second Appeal before the commission and the matter was disposed by the commission vide its order dated 12/5/2010.
4. Thereafter the Complainant has subsequently filed a complaint under section 18 before the commission praying to initiate an enquiry to ascertain whether correct information was supplied to him and to initiate steps to provide information in accordance with section 4(1). The Commission vide its Second Order dated 29-09-2011 asked the Complainant to prove that information furnished to him was incomplete, incorrect and misleading and which is why he is now before the commission in his Complaint case.

5. The Respondent files a written declaration dated 11/03/2016 confirming that all available information as sought by the Complainant has been correctly provided and if he so desires the Complainant has the liberty to examine the file and procure the available information as per his requirement. The Respondent prays that the Complaint be quashed and set aside.

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 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.



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*)


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/ 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.

10. The PIO or the APIO 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.
11. I am therefore of the considered opinion that the PIO has acted reasonably and diligently and has furnished information as was available and as it existed as per the records available and which is the mandate of the RTI Act.
12. The Commission therefore finds it prudent to recall the Order dated 29-09-2011 and accordingly Orders the one sided enquiry proceedings in the Complaint case to be closed.
13. However, The Commission in view of the declaration filed by the Respondent hereby directs the Complainant to approach the office of the Public authority (Central Zone) Asst. Registrar of Co-operative Societies and collect the information within 30 days of the date of this order. The Respondent is directed to extend full cooperation to the complainant and give available information.

With these observations the Complaint case is closed. Pronounced in open court before the parties who are present. Notify the parties concerned. Authenticated copies of the order be given free of cost.


Under Secretary
Goa State Information Commission


(Juino De Souza)
State Information Commissioner