

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

Second Appeal No. 226/2018/SIC-I

Dr. K.K. Nadkarni,
84, Bendwada,
Sanguem Goa-403704.

....Appellant

V/s

The Public Information Officer,
Directorate of Accounts,
Govt. of Goa,
Panaji Goa.

.....Respondent

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 21/9/2018
Decided on: 09/11/2018

ORDER

1. By this appeal the appellant assails the order, dated 29/08/2018 passed by the Director of accounts, Panjim Goa and FAA in appeal no 4/2018, filed by the appellant herein.
2. The facts in brief which arises in the present appeal are that the information seeker Dr. K.K Nadkarni, by his application dated 22/06/2018, sought information from respondent no 1 PIO, of the office of Director of accounts at Panjim Goa on 3 points as stated therein in the said application. The said information was sought by appellant in exercise of his rights under sub section (1) of section 6 of RTI Act, 2005.
3. On receipt of the said application, the respondent PIO vide his letter dated 9/7/18 transferred the point no 1 of the said application to the PIO of Joint Director of accounts at Margao-Goa in terms of section 6(3) of the RTI Act, 2005 and vide separate reply of even date the information at point no 2 and 3 was provided to the appellant after

taking assistance and obtaining the same from the deputy director of accounts, PA-IX section.

4. Being not satisfied with the said reply, the appellant approached the First Appellant Authority on 18/07/2018 and the First Appellate Authority by an order dated 29/08/2018 dismissed the said 1st appeal by upholding the say of the PIO.
5. Being aggrieved by the action of both the respondents, the appellant have approached this commission by way of 2nd appeal as contemplated u/s 19(3) of RTI Act, 2005 contending that complete, correct and relevant informtion have not still been provided to him and has sought the direction to respondent PIO to furnish him information as sought by him vide application dated 22/06/2018.
6. The matter was taken up on board and was listed for hearing. In pursuant to notice of this commission the appellant appeared in person. Respondent PIO Shri Kishor Kotumbekar was present and filed his reply thereby enclosing the information at point no 2 and 3. The copy of the reply and the enclosures i.e. the information was furnished to the appellant herein. On verification of the information furnished at point no 3 i.e. the Goa State Government Employees Group Insurance Scheme 1996 comprising of 42 pages, the appellant insisted for the office memorandum no 16/14/77/IC dated 23/06/1997 issued by the Government of India, Ministry of finance as mentioned at para 4.3 of Goa State Government Employees Group Insurance Scheme 1996. The PIO undertook to verify the same and to provide if available. Accordingly the excercise was made by him to get the same from the website and the available copies of the material on the website was provided to the appellant.
7. The PIO submitted that whatever available information from their official records and from the website have been provided to the appellant and there are no any other documents available besides the information already furnished.

8. I have scrutinized the records available in the file and also considered the submissions of both the parties
9. In the contest of the nature of information that can be sought from PIO the Hon'ble Supreme Court in case of in civil Appeal No. 6454 of 2011 Central Board of Secondary Education V/s Aditya Bandhopadhaya wherein it has been held at para 35

"At this juncture, it is necessary to clear some misconception about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from the combined reading of section 3 and the definition of "information "and "right to information "under clause (f) and (j) of section 2 of the Act. If the public authority has any information in the form of data or analysed data or abstracts or statistics , an applicant may access such information ,subject to the exemptions in section 8 of the Act ."

10. Yet in another decision the Apex court in case of peoples Union for Civil Liberties V/s Union of India AIR Supreme Court 1442 has held

"under the provisions of RTI Act of Public Authority is having an obligation to provide such information which is recorded and stored but not thinking process which transpired in the mind of authority which an passed an order".

11. In letters appeal no 1270 of 2009 in civil writ jurisdiction case 11913-2009; Shekar chandr Verma VS State Information Commission Bihar (AIR 2012 Patna 60) has held

"in our view, the RTI Act contemplates furnishing of information which is available on record, but it doesn't go so far as to require an authority to first carry out an inquiry and collect, collate information and then to make it available to the applicant."

12. In view of ratios laid down by the above courts no directions can be given to collect, collate the information from the other public authority for the purpose of furnishing it to the information seeker. If the public authority has any information in the form of data, an applicant may access such information and the PIO is duty bound to furnish the same. As the information available on record have been already furnished to him, I find no intervention of the commission is required for the purpose of furnishing information thereto. However liberty is granted to appellant to seek additional information pertaining to the same subject matter if he desires so.
13. The appeal disposed accordingly. Proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa