

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

Shri. Prashant S. P. Tendolkar ,
State Chief Information Commissioner

Appeal No.48/SIC/2015

C.A. Jyotendra Balaji Kamat,
H. NO.185, Opp. Chowgule Flats,
Mangos Hill,
Vasco-da-Gama –Goa.

-----Appellant

V/s

The Member Secretary/Public Information Officer,
Mormugao Planning & Development Authority,
“Commerce Centre”, IInd Floor,
Nr. Old Bus Stand,
Vasco da Gama, Goa -403802.

----- Respondent

Filed on: 04/05/2015

Disposed on: 31/01/2018

1. FACTS IN BRIEF:

a) The appellant herein by his application, dated 10/10/2014, filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.1, PIO under totally 61 points therein. Out of the said 61 points, points nos.45 in first para and no.15 in second Para contained further sub points which is required as information.

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b) The said application was replied on 6/11/2014 informing the appellant that the application is vague and not clear and that the information sought would disproportionately divert the resources of the respondent authority and hence information cannot be furnished. By said reply the appellant was informed that the records be inspected and that selected information would be provided. It was also informed that as the application was exceeding the prescribed limit the same be resubmitted with clarity.

c) Considering the rejection of the application, the appellant filed first appeal to the First appellate authority (FAA), who by order, dated 30/1/2015 dismissed the appeal up holding the reply of the PIO.

d) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

e) Notices were issued to the parties, pursuant to which PIO appeared. The appellant failed to appear for hearing. The PIO on 8/1/2018 filed written arguments. In spite of receipt of notice and in spite of granting opportunity to argue the matter, the appellant failed to appear before the commission. The order is therefore passed based on the records as available in the file.

2) FINDINGS

a) In the present case the request of appellant is rejected on several grounds firstly that application is vague, secondly that it is voluminous and diverting the resources and thirdly

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that it is not specific. It is also rejected on the ground that application is crossing the word limit.

b) I have perused the application of the appellant. The first para of his application seeks ***Information and/or Copies of the COMPLETE FILE(S) in general, and more specifically about Land (s)/Plot(s)-Development(s) /Acquisitions(s) /Alteration(s) /Land-Use-Changes(s)/Zone-Changes(s)and/or about the said Land(s) /Plot(s) standing on it House(s) /Building(s)-Construction(s) and/or about the said Land(s)/Plot(s)/House(s)/Building(s)-Clearance(s)/certificate (s)for Conveyance(s) /Sale(s)/Gift(s)/Transfer(s) / Mortgage (s)/Any-other-Purpose(s);pertaining to permissions (incl.revised) applied/granted, denied /revoked and /or clearances /no-objection–certificates /nil-encumbrance-certificates/any-other-clearances/no-objection-certificates/nil encumbrance-certificates/any-other-clearances-or-certificate applied/granted/denied, in the past or being processed or been applied for,***” The said information is sought pertains to 45 distinct properties.

c) If one considers the above request, it is not clear whether the appellant requires only information or copies also. One cannot make out whether he wants specific information about land use or it is pertaining to development or Acquisition or pertaining to houses or pertaining to transfers by sale, gift

etc. This information is sought of forty five portions covered under different survey number.

d) At para (2) at page (4) of the appellants application u/s 6 (1) the appellant has sought certified information as well as certified copies of the said properties under 45 survey numbers. Said information sought are the copies of applications for permissions, renewals clearance certificates, recommendations etc. The request does not specify the details of applications like who has filed it the period when it is filed etc.

Considering the requirements as stated by appellant in his said application u/s 6 (1) above, I find force in the contention of PIO that the application is vague and lacs clarity.

e) The application of appellant is also rejected on the ground that it is crossing the limit of words. Though the act provides no limitation on the words to be used in the application, on the face of the application it is clear that the application for information which is running in 6 pages seeks bundles of information.

In ordinary course the information to be sought should be precise and which could be dispensed within reasonable time as provided under the Act. To furnish information as sought herein, besides being vague, it is

certainly disproportionate to the period granted to PIO under the act. In case the information as sought is ordered to be furnished, it would involve lot of time and also manpower to collect and furnish.

f)The Hon'ble Supreme Court in the case of: ***Central Board of Secondary Education & another V/s Aditya Bandopadhyay*** (Civil Appeal no.6454 of 2011) has observed:

“-----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 of 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.”

g) While considering a similar issue of voluminous and vague information The Hon'ble High Court of Judicature at Bombay, Nagpur Bench in Letters Patent Appeal No.276/2012 in ***Writ petition no.3818/2010(D) The State Information Commissioner and others V/S Mr. Tushar Dhananjay Mandlekar, has observed:***

“ It is apparent from a reading of what is stated above that instead of seeking information on some

specific issues, the respondent sought general information on scores of matters. The application is vague and the application does not make it clear to the Information Officer as to what information is actually sought by the respondent from the Officer. It was literally impossible for the appellants, as pointed by the learned Assistant Government Pleader, to supply the entire information sought by the respondent to the respondent within a period of 30 days. The documents ran into 3419 pages. We had asked the respondent while hearing of this letters patent appeal as to what action did the respondent take in pursuance of the information sought by the respondent after the information was supplied and it was replied by the respondent appearing in person that nothing was done on the basis of the information supplied by the appellants as there was some delay in supplying the information. It is really surprising that thousands of documents are being sought by the respondent from the authorities and none of the documents is admittedly brought into use. We are clearly of the view in the aforesaid backdrop that the application was filed with a mala fide intention and with a view to abuse the process of law.”

In the above back drop I find no illegality or malafide in the contention of PIO that furnishing the information would disproportionately divert the resources of the respondent Authority.

h) Considering the nature of request and the volume of information sought, I find no grounds to disagree with FAA regarding the grounds for rejection of the request by PIO. Consequently, I find no illegality or irregularity in the impugned order of the FAA.

i) In the light of the above I proceed to dispose the present appeal with following.

O R D E R

The appeal stands dismissed. However liberty is granted to inspect the records of the respondent authority, if he wish so, and thereafter seek information with specific reference to the case/file number so inspected.

Notify the parties.

Proceedings closed.

Pronounced in open proceedings.

Sd/-
(Mr. Prashant S. P. Tendolkar)
State Chief Information commissioner
Goa State Information Commission
Panaji-Goa

