

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

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

**Appeal No.172/SCIC/2017**

Jawaharlal T. Shetye,  
H. No.35/A Ward No.11,  
Khorlim-Mapusa-Goa.

..... Appellant

V/s

- 1) The Public Information Officer,  
Mapusa Municipal Council,  
Mapusa-Goa.
- 2) The First Appellate Authority,  
The Chief Officer,  
Mapusa Municipal Council,  
Mapusa-Goa.

..... Respondents

Filed on : 19/10/2017

Disposed on: 04/05/2018

**1) FACTS IN BRIEF:**

**a)** The appellant herein by his application, dated 22/8/2016 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.1, PIO.

**b)** According to the appellant as per the appeal memo herein the said application was not responded within the stipulated period and hence he preferred appeal to FAA on 28/9/2016.

**c)** It is further according to appellant that the FAA having failed to dispose the said appeal, the appellant approached this commission in second appeal u/s 19(3)

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of the act, being appeal No.278/2016. Said appeal was disposed by this commission by order, dated 15/6/2017 and the matter was remanded to FAA for deciding the appeal again.

**d)** According to appellant on remand, the said first appeal was disposed by order, dated 04/07/2017 directing PIO to furnish information but till date information was not furnished hence this second appeal.

**e)** Notices were issued to the parties, pursuant to which they appeared. The PIO on 26/2/2018 filed a reply to the appeal.

**2. FINDINGS:**

**a)** Perused the records and considered the pleadings of the parties. By said application, dated 22/8/2016 the appellant has sought 9 points information. According to appellant the said application was not replied by the PIO. But in the second appeal No.278/2016 filed by him before the commission in view of non disposal of the first appeal it was his case that the said application u/s 6(1) was responded by PIO on 23/9/2016. I thus find that the appellant has approached herein without disclosing the true facts by suppressing that his application, dated 22/08/2016 was responded on 23/09/2016.

**b)** The PIO in the reply filed before the commission in this appeal has annexed the copy of the said response dated 23/09/2016 u/s 7(1) of the act. In the said reply for point (1),(2) and (3) the PIO has informed that the matter of inquiry is under process. Consequently the issue of furnishing information does not arise.

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**c)** Regarding points (4) to (6) of the application I find that the information is furnished. The information in the form of opinion cannot be ordered to be furnished.

**d)** Coming to the reply of points (8) and (9) I find substance in the reply. The appellant herein has filed several applications under RTI Act before the respondent authority herein. The same has resulted in first appeals and several second appeals before the commission of which a judicial note can be taken. The appellant has asked for the information for over two years including the dates of the receipts with inward number and details of communicating the information by PIO, APIO and the dates of their dispatch from the dispatch section. The information at point (9) also seeks the reason of delay in disposal.

If one considers the said request the same requires compilation of information in the formats as sought by the appellant. The reasons cannot constitute information under the act. In case the compilation of information is allowed the same would involve in disproportionate diversion of resources. Grant of such request would be contrary to the finding of the Hon'ble Apex Court in the case of ***Central Board of Secondary Education & another V/s Aditya Bandopadhyay*** (Civil Appeal no.6454 of 2011) wherein it is 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."*

The information can be sought after inspection of the records by precisely pointing out the required records.

e) Coming to the issue of penalty as prayed at paras (iii) and (iv) of the appeal I find that though the entire information is not furnished the PIO has given reason for arriving at his conclusion. I find no ground to invoke my rights u/s 20(1) and/or 20(2) of the act unless it is proved to be intentional and deliberate as held by the High court of Bombay in ***Writ petition No. 205/2007, Shri A. A. Parulekar, V/s Goa State Information Commission and others observing:***

*"11. The order of penalty for failure is akin to action under criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."*

f) In the light of the above findings and my observations above I find no merits in the appeal hence the same is disposed with the following:

**ORDER**

The appeal is dismissed. Proceedings closed

Notify parties.

Pronounced in the open proceedings.

Sd/-

**(Prashant S.P. Tendolkar )**

State Chief Information Commissioner

Goa State Information Commission

Panaji - Goa

