

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

Appeal No.85/2019/SIC-I

Shri Kashinath Shetye,
102, Raj Excellency,
Raibandar, Tiswadi-Goa.

....Appellant

V/s

1. Public Information Officer (PIO),
Dy. Director Art and Culture Department,
Patto, Plaza-Goa.

2. The First Appellate Authority,
Director of Art and Culture Department,
Patto, Plaza-Goa

...Respondents

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner.

Filed on: 8/04/2019
Decided on:24/06/2019

ORDER

1. The appellant, Shri Kashinath Shetye has filed present second appeal against Respondent No. 1 Public Information Officer (PIO) of the Office of the Directorate of Art and Culture, at Panjim-Goa and against Respondent No. 2 the First Appellate Authority (FAA) praying that the information as requested by him in his application dated 23/01/2019 be furnished to him correctly and completely and for invoking penal provisions against respondent no. 1 PIO .
2. The brief facts leading to present appeal are as under:-
 - a) The appellant vide his application dated 23/01/2019 had sought for certain information, on 16 points regarding the schemes of providing special financial assistance (grants) for organising cultural events pertaining to the year 2010 to 2019. The said information was sought from Respondent no. 1 PIO by the appellant in exercise of appellant's right u/s 6(1) of Right to Information Act, 2005.

- b) It is contention of the appellant that his above application was responded by Respondent No. 1, PIO on 12/02/2019 in terms of subsection (1) of section 7 wherein part of the information was only offered to him after due depositing of fees and other was rejected on the ground that it would disproportionately divert the resources available with the authorities and that information contained in all the computers more particularly of Varsha cannot be severed.
- c) It is contention of the appellant that he was not satisfied with the above reply of Respondent no. 1 PIO and as the complete information as was sought by him was not furnished, he filed first appeal in terms of sub-section (1) of section 19 of RTI Act on 18/02/2019 before the Respondent No. 2 Director of Art and Culture, Panjim-Goa being first appellate authority.
- d) It is contention of the appellant that respondent No. 2 FAA vide order dated 3/04/2019 dismissed his appeal by upholding the say of Respondent no. 1, PIO
- e) It is contention of the appellant that he being aggrieved by such an action of both the Respondents, has been forced to approach this Commission on 8/04/2019 in the second appeal as contemplated under sub-section (3) of section 19 of RTI Act, 2005.
3. In this background the present appeal has been filed on the grounds raised in the memo of appeal with the contention that complete information is still not provided and seeking order from this Commission to direct the PIO, Respondent No. 1 for providing information as sought by him free of cost and for imposing penalty on Public Information Officer (PIO) for the delay in furnishing the information.
4. The matter was taken up on board and listed for hearing. In pursuance to notice of this commission appellant was present in

person. Respondent No. 1 PIO Shri Ashok Parab and Respondent NO. 2 First appellate authority Shri Gurudas Pilenkar were present. Both the Respondents filed their respective reply on 13/5/2019 alongwith enclosure resisting the appeal and disputing the averments made by the appellant herein. The copy of the replies of both the respondents were furnished to the appellant herein .

5. On verifications of the records it is seen that the part of the information was denied to the appellant on the ground of being bulky and voluminous.

6. The Hon'ble High Court for state of Punjab and Haryana at Chandigrah in C.W.P. 18694 of 2011 ; Dalbir Singh V/s Chief Information Commissioner, Haryana and others, has held ;

“The informtion regarding the marks obtained by the selected candidates in their academic qualifications and interview has been denied to the petitioner only on the ground that the information sought is quite bulky.

There appears to be no justification to deny the information on this ground. **Suffice it to mention that if the records are bulky or compilation of the information is likely to take some time , the information officer might be well within his right to seek extension of time in supply the said information** , expenses for which are obviously to be borne by the petitioner” .

7. *Hence if one applies the ratio laid down in case of Dalbir Singh (Supra),*the Respondent No. PIO was duty bound to seek the extension of time for providing the said information and hence the denial of information by the PIO on such ground was not in conformity with the provisions and spirit of the Act.

8. This Commission is aware of the practical difficulties faced by the PIOs. The officer of the public authority designated as PIOs have other duties also and the duties to be discharged by them as PIO is an additional duty. The dealing with the request for information is a time consuming process. Time and again this commission had directed the public authority to comply with section 4 of RTI Act so that public have minimum resort to the use of this Act to obtain information.
9. Nevertheless, during the hearing before this Commission, on 31/5/2019, since the information sought pertaining to 9 years and being voluminous in nature, the Respondent No.1 PIO had suggested and volunteered to give appellant the inspection of the entire records first and requested the appellant to short list his requirement. Such arrangement was also consented and agreed to by the appellant. Both the parties had agreed to fix the date for inspection by mutual consent.
10. On subsequent date of hearing PIO submitted that the Appellant did not approach him and did not carry out the inspection hence he vide his letter dated 21/6/2019 had once again called upon the appellant to carry out the inspection before the end of this month. In support of his said contention he placed on record letter dated 21/6/2019 addressed to the appellant .
11. No clarification could be sought from the appellant in respect of above contention of the PIO on account of his continuous absence.
12. In the above given circumstances, the commission is of the opinion , that ends of justice will meet with following order;

Order

- (a) As mutually agreed during the hearing before this commission by the appellant and respondent No. 1 PIO , the appellant may visit the office of respondent within

15 days from receipt of this order and may carry out the inspection of records and give the list of documents required by him to the PIO within 8 days thereof in respect to his RTI application dated 23/1/2019.

- (b) The Public Authority concerned herein is directed to comply with the provision of section 4 of the RTI Act, 2005 on the priority basis.

With this above directions the appeal proceedings stands closed.

Notify the parties.

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.

Pronounced in the open court.

Sd/-

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