

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No.130/2018/SIC-II**

Miss Elvina Barreto,  
H. No. 553, Colsor,  
Galgibaga, Canacona,  
Goa-403728

**..... Appellant**

**v/s**

1. Public Information Officer,  
Ms. Nathine Araujo,  
Dy. Director of Vigilance,  
Altinho, Panaji Goa.

1. First Appellate Authority,  
Shri Sanjeev C. Gauns Dessai,  
Director of Vigilance,  
Altinho, Panaji - Goa.

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing : 28-01-2019**

**Date of Decision : 28-01-2019**

**ORDER**

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 08/03/2018 addressed to the PIO, O/o Director of Vigilance, Altinho, Panaji Goa sought certain information under section 6(1) of RTI Act, 2005. The information is with reference to a file bearing No.5/03/2015-VIG and the Appellant has refer to page 03 which is annexed consisting of a narration extract with four points.
2. The PIO as per 7(1) furnished a reply dated 28/03/2018 within the mandated 30 days period denying the information as it being exempted under section 8(1)(h) of the RTI act 2005.
3. Not being satisfied with the reply of the PIO, the Appellant filed a First Appeal on 06/04/2018 and the First Appellate Authority (FAA) vide an Order dated 18/05/2018 dismissed the First Appeal by upholding the reply of the PIO. Being aggrieved with the Order of the FAA, the Appellant subsequently filed a Second Appeal registered with the Commission on 23/05/2018 and has prayed to direct the Respondent PIO to furnish the information as per the RTI application dated 08/03/2018 and for other such reliefs. ...2

4. **HEARING**: This matter has come up before the Commission on three previous occasions and thus taken up for final disposal. During the hearing the Appellant, Miss Elvina Barreto is present in person. The Respondent PIO, Ms. Nathine Araujo, Dy. Director Vigilance is also present.
5. **SUBMISSIONS**: The Appellant submits that she has not received the information as per her satisfaction and that information regarding ownership documents, original tax receipt Nos. 48 & 49 of book No.808 and house NO.553 dated 25/08/2010 from the Office of Canacona and that directions be given to the PIO to furnish the information.
6. The PIO, Ms. Nathine Araujo in her submission states that initially the information sought as per the RTI application dated 08/03/2018 pertaining to a file bearing No.5/03/2015-VIG was denied as it being exempted under section 8(1)(h) as at the relevant time the matter was under investigation.
7. It is further submitted that in the meanwhile the Appellant filed a second RTI application dated 08/06/2018 seeking information with respect to the same file bearing No.5/03/2015-VIG and since the RTI application was ambiguous, the Appellant was called to the office of the PIO to clarify and Appellant clarified that the information sought is in respect to the Action taken on the complaint processed in file No.05/03/2015-VIG which matter came to be closed with the approval of the Government.
8. Ms. Nathine Araujo finally submitted that the Appellant filed a third RTI application dated 11/07/2018 seeking copy of the approval of the Government to close the file No.5/03/2015-VIG/complaint file and copy of all the process and copy of any other documents and that the entire information was furnished to the appellant within prescribed time vide reply letter dated 08/08/2018 and which the Appellant has received after paying an amount in the excess of Rs.400/- and as such the present appeal does not stand.

9. The Commission has heard the respective parties and perused the material on record including reply of the Respondent PIO dated 25/10/2018 and written submissions of the PIO with annexures dated 22/11/2018. The Commission at the outset finds that the present Second appeal arises out of the first RTI application dated 08/03/2018 pertaining to file bearing No.5/03/2015-VIG and which information was denied by the PIO as per the reply dated 28/03/2018 as it being exempted under section 8(1)(h) of the RTI act 2005 since the matter was under investigation.
10. The Commission further finds that the appellant had filed a First Appeal on 06/04/2018 and the First Appellate Authority (FAA) vide an Order dated 18/05/2018 dismissed the First Appeal by upholding the reply of the PIO. The FAA in his order has observed thus: 'I am of the firm opinion that the Respondent in the instant case has rightly denied the information sought by the appellant by invoking the correct provisions of the RTI act 2005 and therefore I do not feel it proper to interfere into the decision taken by the PIO in denying the information sought by the Appellant as the same is duly supported by case laws wherein information pertaining to investigation which are in progress cannot be spared at it will impede further process of investigation in terms of section 8(1)(h) of the RTI act 2005'
11. Since the matter was under investigation at the relevant time of filing the first RTI application dated 08/03/2018, the PIO had rightly denied furnishing the information by applying exemption as per section 8(1)(h) and the PIO cannot be faulted in anyway. The Commission also finds that the submission made by the Appellant for directions to the PIO to furnish information regarding ownership documents, original tax receipt Nos. 48 & 49 of book No.808 and house NO.553 dated 25/08/2010 from the Office of Canacona are extraneous and not contained in the RTI application dated 08/03/2018 and hence are rejected.

**No intervention is therefore required with the order of the FAA which is a reasoned order. The appeal is devoid of any merit and accordingly stands dismissed.**

12. Before parting, the Commission would like to displease that the appellant during the pendency of the Second Appeal dated 23/05/2018 arising out of the RTI application dated 08/03/2018 has without waiting for the outcome of the Second Appeal filed two more RTI applications dated 08/06/2018 and 11/07/2018 seeking the same information pertaining to file bearing No.5/03/2015-VIG and which is utter abuse of the RTI process.
13. The repeated filing of such RTI applications has caused waste of the valuable time of the PIO who had to send letters to clarify the RTI application dated 08/06/2018 and after receiving clarification had to again reply to the Appellant on 06/07/2018 that the matter is closed with the approval of the Government and after which the Appellant moved yet a third RTI application dated 11/07/2018 seeking details of approval of the Government on the closed file, including copies of the process paper and other documents which were also furnished vide reply dated 08/08/2018 by enclosing Annexures which the Appellant collected after paying an amount of Rs.400/-plus.

*Hon'ble Supreme Court in CBSE vs. Aditya Bandopadhyay, (2011) 8 SCC 497, explained: 4 "67. Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. 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.*

With these observations all proceedings in the appeal case stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-  
**(Juino De Souza)**  
**State Information Commissioner**