

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No: 26/2018/CIC

Mrs. Seema Namdev Bhagat,
R/o H. No.207/1, Deulwada,
Marcela –Goa 403107.

..... Appellant

V/s

- 1) The Public Information Officer,
Village Panchayat of Tivrem Orgao,
Post Marcela, Ponda –Goa.
- 2) The Block Development Officer,
Opposite to Ponda Civil Court Complex,
Ponda Goa.

..... Respondents

Filed On: 24/01/2018

Disposed On: 02/05/2019

O R D E R

- 1) The present proceedings are initiated allegedly in view of the failure of the appellant to furnish the information sought by her vide her application, dated 24/05/2017 filed by her u/s 6(1) of The Right to Information Act 2005 (Act for short).
- 2) On notifying the parties, the PIO appeared and filed reply on 27/02/2018. Vide his reply it is his contention that the information as was sought is furnished by him. It is his further contention that even after order of the BDO inspection was granted and inspected by appellant. The PIO has relied upon the copies of letters as entered between PIO and the appellant.

Sd/-

...2/-

- 3) As the appellant contended that only some of the books were allowed for inspection, she was directed to file the list of the registers with reference to the years of which she requires the inspection. Such a list was filed by appellant on 30/04/2018, and she has also asked for rechecking of the said records.
- 4) Subsequently during the hearing on 11/09/2018, the advocate for appellant submitted that by her another application dated 29/08/2018 filed u/s 6(1) of the act appellant has sought precise information and that the period u/s 7(1) was yet to lapse. The matter was therefore adjourned for observation. Thereafter on subsequent seven occasion adjourned was sought on behalf of appellant. As the PIO had not appeared for a long time, with a view to get appraised of the facts he was notified and he accordingly appeared 09/04/2019. He submitted that the reply of PIO is already filed. Appellant wanted to inspect form (7) maintained by respondent authority.
- 5) On going through the records it is seen that in response to the appellant's application dated 24/05/2017 filed u/s 6(1) of the RTI Act, the PIO had called upon the appellant to inspect the records as required on 16/06/2017, by his letter dated 31/05/2017. The appellant sought for the alteration of the date of inspection which was also considered by the PIO and by letter dated 07/07/2017 part inspection was completed. On perusal of the copies of annexures to the reply of PIO, it is seen that even by subsequent letters, dated 04/08/2017, 12/10/2017, and 18/11/2017 several opportunities were given to the appellant for inspection.

Sd/-

...3/-

6) Considering this back ground I find that sufficient time has been consumed by the appellant in seeking inspection which was a requirement of her application u/s 6(1) of the act. The Hon'ble Supreme Court of India has expressed a concern when substantial time of public authorities is consumed for the information under the act 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."
(Central Board of Secondary Education & another V/s Aditya Bandopadhyay Civil Appeal no.6454 of 2011)"

7) Considering the present case I find that the situation herein is similar to the facts of case in Central Board (Supra). Moreover as per the submission of appellant another application u/s 6(1) is filed on 29/08/2018. Hence the requirements of the appellant can be met by said application.

Considering the above circumstances I find no grounds to proceed with the present appeal. The same is therefore dismissed.

Sd/-

...4/-

It is made clear that this order shall be without prejudice to the right of appellant to seek precise information and to avail the same when offered, within minimum time.

Order be notified.

Proceeding closed.

Pronounced in open hearing.

Sd/-

(Shri. P. S.P. Tendolkar)

Chief Information Commissioner
Goa State Information Commission
Panaji –Goa