

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 09/2021/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim, Mapusa-Goa.
403507.

.....Appellant

V/S

1. The Public Information Officer, M.E-II,
Mr. Vyankatesh Sawant,
Mapusa Municipal Council,
Mapusa-Goa. 403507.

2. The FAA, The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa. 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 15/01/2021

Decided on: 12/09/2022

ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye, H. No. 35/A, Ward No. 11, Khorlim, Mapusa-Goa, by his application dated 08/07/2020, filed under sec 6(1) of Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO) of Mapusa Municipal Council, Mapusa-Goa.
2. The said application was not responded by the PIO within stipulated time deeming the same as refusal, he filed first appeal before the Chief Officer, Mapusa Municipal Council, Mapusa Goa being the First Appellate Authority (FAA).
3. The FAA by its order allowed the first appeal on 15/10/2020 and directed the PIO to furnish the information free of cost to the Appellant within 30 days.
4. Since the PIO failed and neglected to comply the order of the FAA, the Appellant preferred this second appeal before the Commission under section 19(3) of the Act.

5. Notice was issued to parties, pursuant to which PIO, Shri. Vynkatesh Sawant appeared and filed his reply on 29/11/2021. The FAA duly served opted not to appear in the matter.
6. Perused the pleadings, reply, written arguments and scrutinised the documents on record.
7. On going through the application filed by the Appellant under section 6(1) of the Act dated 08/07/2020, it reveals that, the Appellant has sought certain information with reference to letter No. MMC/Engg/RTI/3244/2020 dated 16/06/2020 and with regards to inspection of file on 07/07/2020 provided by JE-III of Mapusa Municipal Council at Mapusa Goa.
8. On perusal of the reply of the PIO dated 29/11/2021 and 11/07/2022, the PIO replied that by letter No. MMC/Engg/RTI/3162/2021 dated 03/05/2021 he furnished all the available information to the Appellant through registered postal service and to support his claim he also produced on record copy of the Postal acknowledgment receipt.
9. However through his written submissions, the Appellant raised the queries that he did not receive the information at point No. 1 to 4 in respect of his earlier RTI application dated 30/04/2020 with inward No. 5920 and emphasised for imposition of maximum penalty on the PIO for not complying the order of the FAA.
10. I have also perused the order of the FAA dated 15/10/2020 which reads as follows:-

"PIO is present in person. Appellant is present in person. The PIO has furnished information with regards to RTI application inward No. 5920 dt. 30/04/2020. The Appellant aggrieved by the reply filed by the PIO has

filed fresh RTI application dtd 08/07/2020 requesting wherein to furnish the additional information. The PIO has failed to furnish the info within the stipulated period. PIO is directed to be cautious in matters related to RTI henceforth. Matter is remanded back to PIO with directions to furnish the available information within 30 days free of cost to the Appellant. Matter is disposed. "

11. On perusal of records, it revealed that though the Appellant has cited the reference of letter No. MMC/Engg/RTI/3244/2020 dated 16/06/2020 in the RTI application dated 08/07/2020, the Appellant neither mentioned the file number nor produced on record the copy of the said letter. Even in this second appeal before the Commission, the Appellant did not divulge the nature of information sought for nor produced his earlier RTI application dated 30/04/2020 on record on the basis of which he filed the second RTI application dated 08/07/2020 under section 6(1) of the Act.
12. From the records it appears that, the Appellant is seeking the information with regards to his earlier RTI application which was inwards at serial No. 5920 dated 30/04/2020, this is nothing but a fishing and roving inquiry and certainly not permissible under the Act. The Appellant has not raised any particular point in his application while filing his RTI application dated 08/07/2020. The approach of the Appellant appears to be very casual and trivial while seeking the information.
13. The Appellant may have identified the documents by carrying the inspection of file, however, he did not elaborate or specify the nature of information sought so as to dispose the appeal. The efforts of the Appellant appear to be for obtaining the information

only, without establishing the actual grievance much less from the authority who was supposed to take the decision. Within the scope of the Act and Rules, it is sheer impossible for anyone to accede to the request of the Appellant which is ambiguous and vague.

14. The point is that, in order to get the information from the public authority, the Appellant has to specify the information as required under section 6(1) of the Act. Admittedly during the course of inspection, the inspection of the file was provided by JE-III however the PIO was not the party. Where the request for information was not clear, ambiguous and vague without mentioning atleast the file number, it is impractical to furnish the information. The PIO is not expected to do research to decipher all material record and to furnish the outcome to the Appellant.
15. If the Appellant wishes to receive complete and correct information, it is in his own interest that he perform due diligence to identify the information. The kind of information sought by the Appellant cannot be treated to fall within the ambit of information as defined under the provision of section 2(f) of the Act.
16. Under Section 19(1) of the Act, the first appeal is preferred to an officer who is senior in rank to the PIO. Deciding the first appeal under the Act is quasi-judicial function and it is mandatory that the FAA ought to decide the appeal on merit and with speaking order, giving justification for the decision arrived at.

However, in the present case, the FAA failed and neglected to pass the speaking order as mandated by the Act. It is a matter of fact that, the Appellant herein has filed several RTI applications before the Mapusa Municipal Council and thereafter first appeals. It is also a matter of great concern that in order to get rid of frequent RTI applications, the FAA is passing the order mechanically, directing the PIO to furnish the information without going to the

merits of the case and thus frustrate the very purpose of the cherished enactment. Since the FAA failed to decide the first appeal on merit, the order of the FAA dated 15/10/2020 is set-aside.

17. The High Court of Andhra Pradesh in **Divakar S. Natarajan v/s State of Information Commissioner A.P. (AIR 2009 (NOC) 1362 (AP))** has held:-

"26. The Act is an effective devise, which if utilised judiciously and properly, would help the citizen to become more informed. It no doubt relieves an applicant from the obligation to disclose the reason as to why he wants the information. However, indiscriminate efforts to secure information just for the sake of it, and without there being any useful purpose to serve, would only put enormous pressure on the limited human resources, that are available. Diversion of such resources, for this task would obviously, be, at the cost of ordinary functioning. Beyond a point, it may even become harassment for the concerned agencies. Much needs to be done in this direction to impart a sense of responsibility on those, who want to derive benefit under the Act, to be more practical and realistic."

18. In the present case, the PIO has furnished all the available information to the Appellant. It is also not the case that the PIO was unwilling to provide the information. Therefore, I am not inclined to impose the penalty on the PIO as prayed by the Appellant. Considering the facts and circumstances as discussed above, the appeal is disposed off with following:-

ORDER

- The appeal stands dismissed.
- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner