

**GOA STATE INFORMATION COMMISSION**

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

Tel No. 0832-2437908/2437208 email: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

**Appeal No. 190/2020**

Shri. Rama Kankonkar,  
H.No. 231, Molebhat,  
Curca, Bambolim, Tiswadi-Goa.

.....Appellant

V/S

1. The Public Information Officer,  
Government Polytechnic,  
Altinho, Panaji-Goa.

2. The First Appellate Authority,  
Government Polytechnic,  
Altinho, Panaji-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 12/11/2020**

**Decided on: 18/08/2022**

**FACTS IN BRIEF**

1. The Appellant, Shri. Rama Kankonkar, r/o. H.No. 231, Molebhat, Curca, Bambolim Tiswadi- Goa by his application dated 16/03/2020 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought information on 8 points from the Public Information Officer (PIO), Government Polytechnic at Altinho, Panaji-Goa.
2. The said application was responded by the PIO on 27/05/2020 in the following manner:-

*"In continuation to our letter dated 20/03/2020, wherein it was informed to you to visit this office on 10/4/2020 at 10:00 am for inspection of documents this is to inform you that as per instructions from the Government of Goa this institute is under Covid-19 lockdown from 23/03/2020 and the same is extended upto 31/05/2020 for all technical institutes in the state of Goa.*

*In view of the above you are requested to visit this office on 18/06/2020 at 10:00 am tentatively subject to Government not extending the lockdown for a further period."*

3. Accordingly by responding to the reply of the PIO, the Appellant visited the office of public authority at Altinho, Panaji Goa on 18/06/2020, however since the purported information was not readily available, no information was provided to the Appellant.
4. Aggrieved with the action of the PIO, the Appellant filed first appeal before the Principal, Government Polytechnic at Altinho, Panaji-Goa being the First Appellate Authority (FAA).
5. During the pendency of the first appeal, the Principal, Government Polytechnic, Panaji provided pointwise reply to the RTI application on 24/06/2020 and also informed the Appellant to collect the information. Accordingly the Appellant has collected the partial information on 06/07/2020 by paying the requisite fee.
6. Not satisfied with the reply of the PIO and order of the FAA, the Appellant preferred this second appeal before the Commission under section 19(3) of the Act, with the prayer to direct the PIO to furnish complete information free of cost and to impose penalty on the PIO for denying the information.
7. Notice was issued to the parties, pursuant to which the PIO, Mr. Allvin Facho appeared and filed his reply on 24/03/2021, the FAA, Principal of Government Polytechnic Panaji, Mr. L.R. Fernandes appeared but opted not to file any reply in the matter.
8. Perused the pleadings, reply, rejoinder, written synopsis and considered the oral submission of the parties.
9. Admittedly by paying the requisite fee, the Appellant collected the part of the information on 06/07/2020. Adv. Bavina Kukalekar,

learned counsel appearing for the Appellant submitted that, she is not disputing the information with regards to point No. 1,4,5 and 6, therefore the controversy remains only with the information on point No. 2,3,7 and 8.

10. I have also perused the order of the FAA dated 11/09/2020 who partially allowed the first appeal. The operative para of the said order reads as under:-

*"In the interest of the Appellant, the Appellant is directed to inspect the records and make a list of the same. The Appellant may seek necessary convenient date from the PIO/Respondent for inspection of records and compile the information. The PIO is directed to render all assistance for inspection and accordingly issue the documents as per the list prepared by the appellant on receipt of the fees as per the RTI,Act."*

From the reading of the above, it is clear that the FAA was of the opinion that by giving inspection of records will solve the dilemma.

11. Adv. Bavina Kukalekar, Learned advocate appearing on behalf of Appellant submitted that the PIO failed to furnish the information within stipulated time of 30 days as mandated by the Act.

Further with regards to the reply on information at point No. 2, she argued that it was admitted by the PIO that bank account is existing, and therefore the Appellant is entitled for account transaction of existed account details from the year 2010 till date as per the RTI application.

Further according to her, the information on point No. 3 has been denied on erroneous grounds as all the written examination

for recruitment of Government servants are conducted by the office of Government Polytechnic, Panaji and therefore the Appellant is entitled for the information of details of all examinations conducted by the public authority since 2010 till date and amount received for conducting the said examinations.

With regards to information on point No. 6 and 7, she argued that, Government Polytechnic is a public institution and depends on the grants received from the Government. Therefore, account should be made available for public scrutiny, hence reply given by the PIO, that no such audit have been conducted, is incorrect and misleading.

She further contended that Appellant neither in his RTI application asked for the information to be provided in particular format nor has asked for inspection of documents, therefore denial of information on the pretext of suggesting inspection of documents is erroneous and against the tenets of the Act.

12. On the other hand, the PIO, Mr. Allwin Facho submitted that, upon receipt of the RTI application on 19/03/2020, since no record was available with him he immediately transferred the said application under section 5(4) of the Act to the Vice President, Gymkhana, Government Polytechnic Panaji and to the Principal Government Polytechnic Panaji on 20/03/2020 and same was communicated to the Appellant and also outwarded on the same day evening. However due to sudden declaration of Janta Curfew due to Covid Pandemic on 22/03/2020, same could not be dispatched to the Appellant and due to further extension of National Lockdown there was delay in furnishing the information.

He further argued that, since the information sought by the Appellant is voluminous and was not readily available as it contains the data of the year 2010 to 2020, he had also informed the

relevant staff to keep available all the files for inspection and accordingly same was communicated to the Appellant on 27/05/2020 requesting him to visit the office of the PIO for inspection of documents on 18/06/2020 at 10:00 am.

Further according to the PIO, in response to his letter dated 27/05/2020, the Appellant visited the office of the PIO on 18/06/2020 and held discussion with the Principal. Further, according to the PIO, he personally offered inspection of all the documents and requested to pin point the required documents, however the Appellant is adamant and demanded for the entire records of last 10 years. Since there was no assistance from the Appellant, later the available information has been provided to the Appellant.

13. As regards to the information sought by the Appellant on point No. 2 concerning details about all bank account transactions bearing account No. 100006265042, held in the name of the Principal, Government Polytechnic Panaji with the IndusInd Bank at Panaji Goa, the said was replied by the PIO that the account is not maintained in the name of the Principal, Government Polytechnic Panaji.

Bank details are confidential and sensitive information. The agreements entered into by banks with its customers were matter of commercial confidence. The bank holds such information concerning private person in a relationship of trust. The Bank account transactions of the institution can only be provided either to the Auditor of the Government to carry out the audit or to any investigating authority with the sanction of law. No account transaction can be provided who is stranger to the institution, and putting all the account transaction in public domain would be putting the entire account system to risk and would not serve any bonafide public interest.

Hon'ble Supreme Court in the case **Ram Jethmalani and Ors. v/s Union of India and Ors. (W.P. No.(c) 176/2009)** has held that right to privacy is an integral part of right to life, a cherished constitutional value, and more particularly observed in para No. 77 as under:-

*"77. The revelation of details of bank accounts of individuals, without establishment of prima facie grounds to accuse them of wrong doing, would be a violation of their rights to privacy. Details of bank accounts can be used by those who want to harass, or otherwise cause damage, to individuals. We cannot remain blind to such possibilities, and indeed experience reveals that public dissemination of banking details, or availability to unauthorized persons, has led to abuse.*

*..... The State cannot compel citizens to reveal, or itself reveal details of their bank accounts to the public at large, either to receive benefits from the State or to facilitate investigations, and prosecutions of such individuals, unless the State itself has, through properly conducted investigations, within the four corners of constitutional permissibility."*

Despite the above mentioned fact, the PIO on 06/07/2020 provided the details of the Bank account available in the records in favour of Government Polytechnic Panaji without providing the account number viz

Details of Bank Accounts in favour of Government Polytechnic Panaji				
1	Current Account (tuition fee)	State Bank of India	Vidhan Bhavan	Alto-Porvorim
2	Current Account (Exam fee)	State Bank of India	Vidhan Bhavan	Alto-Porvorim
3	Current Account (Third party payment)	State Bank of India	Vidhan Bhavan	Alto-Porvorim

4	Current Account (GST)	State Bank of India	Secretari at Branch	Panaji-Goa
5	Saving Account (Gymkhana)	Goa Urban Co-operative. Bank LTD	Panaji	Panaji-Goa

From the above reply, the Commission is of the opinion that maximum information, that is available in records has been provided to the Appellant.

14. As regards to the information on point No. 3, the Appellant sought the names of exams conducted by the Government Polytechnic Panaji for all other departments and the amount received as payment for conducting them from the year 2010 till date.

At the first instance, the PIO replied that the information sought for was voluminous and not readily available in the format as desired by the Appellant and at later stage by reply dated 24/06/2020, the PIO informed the Appellant that said information does not fall within the purview of section 2(f) of the Act.

15. It is a matter of fact that Government Polytechnic Panaji is a Government educational institution situated at Panaji Goa, with its main functions to impart training, research and development of technical education. Said institution is affiliated to All India Council for Technical Education (AICTE) and provide full time diploma courses in Engineering. Since the premises of the institute have good infrastructural facilities and being situated in the capital city of Panaji, the Government of Goa is conducting its regular written examinations for departmental recruitment. Said institution conducts said examination with the help of supporting staff concurrent with their routine academic work. Apart from conducting the examination and providing data to the concerned department, they are not involved in further recruitment process.

16. On perusal of the reply dated 20/03/2020 to the RTI application, it is categorically mentioned by the PIO that information sought for is voluminous information and not readily available.

By his reply filed on 24/03/2021, the PIO also pointed out that the information sought was not specific and therefore he could not identify and separate the information and being so he offered inspection of records, so as to provide the available information to the Appellant.

17. It is also the matter of fact that, in response to the reply of the PIO, the Appellant visited the office of the public authority at Altinho, Panaji Goa on 18/06/2020 and put the note/endorsement as under:-

*"As per the letter dated on 20/03/2020 and 27/05/2020 by PIO Goa Polytechnic Panaji regarding the inspection. I have visited office and had a discussion with PIO and the Principal of the college. It was found that the information was not readily available. I have been told that they will reply to me. They also confirmed that they knew and understood all questionnaire asked by me in the RTI."*

18. During the course of the final hearing on 07/10/2021, the PIO taken the stand that if the Appellant is not satisfied with the information provided to him, he is ready to give inspection of all files. Since the Commission is only concerned about furnishing the information as sought for, with the consent of the advocate appearing for the Appellant, the Commission directed the PIO to come alongwith respective files before the Commission on 10/11/2021 at 3:00 pm for joint inspection and sort out the matter. The advocate for the Appellant also requested to ensure presence



of the Appellant personally to identify the required documents and matter was posted for compliance on 10/11/2021.

19. Accordingly on 10/11/2021, the PIO appeared alongwith Prof. R. Kambale from Examination Section, Shri. Prasadnand Narvekar from Gymkhana Section and produced multiple files for inspection. However, the Appellant refused to take inspection on the ground that he had not asked for inspection in his RTI application.
20. The Act has been enacted with the object of setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority. The Act confers on all citizens a right to access information and this right has been defined under section 2(j) of the Act. The definition also makes clear that the Right to Information includes the right to inspection of the work, documents or records. Inspections of records are not barred under the Act. Generally when the information is voluminous by nature, applicant is advised to inspect the records, minimize and prioritise the requirements as it would save disproportionate diversion of resources. Collecting and collating the information for the period spanning over one decade will be laborious, time-consuming and unproductive. No doubt the Appellant has every right to obtain information, however, subject to limitation and to fulfil the objective of the Act.
21. It is a consistent stand of the PIO that since the information sought was voluminous, he offered for inspection of the records, the FAA also directed the Appellant to inspect the record and make the list of required documents and directed the PIO to furnish the specified documents, the Commission also tried to sort out the

issue by offering the inspection of all files in the open hearing. However the Appellant refused to carry out inspection with the reasoning that he had not sought inspection of documents in his RTI application. Therefore, the issue remains answered, whether the Commission can direct the Appellant to facilitate inspection of records.

The Commission felt that the main object of the scheme of Right to Information is providing information. The Commission is constituted under the RTI Act, 2005 and has to function within the provision of the said Act. The powers and functions of the Commission are more particularly described under section 18, 19 and 20 of the Act. Such powers consist of providing existing information held in any form, and in any case of non-compliance of the said mandate without any reasonable cause, then to penalise the PIO. Once the statute provides an authority to do something, then it includes the implied power to use all reasonable means to achieve the objective.

Hon'ble Supreme Court in the case **Sakiri Vasu v/s State of U.P. and Others (Appeal (crl) 1685/2007)** while substantiating on doctrine of implied power, it was held as under:-

*"18. It is well-settled that when a power is given to an authority to do something it includes such incidental or implied powers which would ensure the proper doing of that thing. In other words, when any power is expressly granted by the statute, there is impliedly included in the grant, even without special mention, every power and every control the denial of which would render the grant itself ineffective. Thus where an Act confers jurisdiction it impliedly also grants the power of doing all such acts or employ such means as are essentially necessary to its execution.*

*19. The reason for the rule (doctrine of implied power) is quite apparent. Many matters of minor details are omitted from legislation. As Crawford observes in his Statutory Construction (3rd edn. page 267):-*

*If these details could not be inserted by implication, the drafting of legislation would be an indeterminable process and the legislative intent would likely be defeated by a most insignificant omission.*

*20. In ascertaining a necessary implication, the Court simply determines the legislative will and makes it effective. What is necessarily implied is as much part of the statute as if it were specifically written therein.*

*21. An express grant of statutory powers carries with it by necessary implication the authority to use all reasonable means to make such grant effective."*

From the above Principle laid down by the Apex Court, the Commission is squarely empowered to take all necessary steps including to direct the Appellant / PIO to facilitate inspection of records for the purpose of securing the ends of justice.

22. The Central Information Commission by its judgement in the case **Vinod Surana v/s Life Insurance Corporation of India (F.No. CIC/MA/A/2006/00617)** has held that:-

*"5. With a view to obtaining relevant information/documents, the Right to Information Act provides for inspection of records so that an information seeker can identify and specify the documents required by him. While seeking information, the appellant did not specify the required information, after inspection of records and naturally, there may be differences in what he*

*intended and asked for and what was furnished to him. There is no way to pacify the differences arising from lack of proper understanding on the existence of information with the Central Public Information Officer and the form in which it is sought by the appellants. Moreover, in case information is sought in the form of queries, as has been done by the appellant in the instant case, the differences of opinion on completeness of information or otherwise would always be there. The appellant is, therefore, advised to clearly specify the information after inspection of documents before application for information is put up. It has further been held that the information sought being huge could be denied under section 7(9) of the Right to Information Act. The Central Public Information Officer could have also refused to answer queries."*

23. Hon'ble Supreme Court in the case **Institute of Chartered Accountant of India v/s Shaunak H. Satya and Others (AIR 2011 SCC 336)** has observed as under:-

*"18....One of the objects of democracy is to bring about transparency of information to contain corruption and bring about accountability. But achieving this object does not mean that other equally important public interests including efficient functioning of the governments and public authorities, optimum use of limited fiscal resources, preservation of confidentiality of sensitive information, etc. are to be ignored or sacrificed. The object of [RTI Act](#) is to harmonize the conflicting public interests, that is, ensuring transparency to bring in accountability and containing corruption on the one hand, and at the same time*

*ensure that the revelation of information, in actual practice, does not harm or adversely affect other public interests which include efficient functioning of the governments, optimum use of limited fiscal resources and preservation of confidentiality of sensitive information, on the other hand. ”*

24. The Act does not make it obligatory on the PIO to create information for the purpose of its dissemination and considering the nature of information sought by the Appellant viz non-specific and vast, providing such information would disproportionately divert the resources of the public authority. The Commission does not want to interfere in the order of the FAA.

25. As regards to information at point No. 7 and 8, the Appellant seeking certified copies of annual audit of the account and expenditure incurred for the Gymkhana activities from the year 2010 till 2020.

The PIO replied, “No such audit have been conducted, hence no information under this point is available”. In the event if the Appellant feels that, if any official has failed to carry out annual audit of accounts he can approach the concerned competent authority.

26. 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, however, the nature of information sought by the Appellant is vague, non-specific and would disproportionately divert the resources of the public authority. If the Appellant was really interested in securing access to the information, he should have chosen a proactive role by inspecting the record and obtain the information as directed by the FAA. In any case the reason cited by the Appellant is not convincing and

therefore devoid of merits. The PIO acted in a fair and appropriate manner and hence I am not inclined to impose penalty against the PIO as prayed by the Appellant.

27. Undisputedly the Janta Curfew/ National Lockdown was declared on 22/03/2020, considering the entire proceeding was affected by the Covid Pandemic crisis, and in view of judgement of the Hon'ble Supreme Court in **MISC. Appl. No. 665/2021 in SMW (c) 3 of 2020**, the delay caused at all level is condoned.

28. Considering the facts and circumstances and legal precedent discussed above, I find no merit in the appeal and therefore, I dispose the appeal with following:-

### **ORDER**

- The appeal is dismissed.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner