

GOA STATE INFORMATION COMMISSION

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Appeal No. 301/2021/SCIC

Master Sousa Leonardo Caetano,
Sao Bras, Gaudalim, Tiswadi,
Post Office Marcela,
Ilhas Goa. 403107.

-----Appellant

v/s

1.The Public Information Officer,
Village Panchayat Cumbarjua,
Cumbarjua, Marcela-Goa.

2.The First Appellate Authority,
Office of the Block Development Officer of Tiswadi,
Panaji-Goa. 403001.

-----Respondents

Shri Vishwas Satarkar - State Chief Information Commissioner

Filed on:- 23/12/2021

Decided on: 27/06/2022

ORDER

1. The Appellant, Master Sousa Leonardo Caetano, r/o. Sao Bras, Gaundalim, Post Office Marcela, Tiswadi Goa by his application dated 12/07/2021 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act) sought following information from the Public Information Officer (PIO), Village Panchayat Cumbarjua, Tiswadi-Goa:-

"Sub: to issue certified information of full files of LAXI GAUNDALIKARIN DEVASTAN as well as inspection. Same be allowed u/s 6 of the RTI Act 2005 in the interest of justice."

2. The said application was responded by the PIO herein on 10/08/2021 inter-alia stating that:-

"With reference to your RTI application dated 12/07/2021 which is received in this office on 12/07/2021, the information is hereby furnished as

under as per the records available in the office of Village Panchayat Cumbarjua.

1. Issue certified information of full files of Laxi Gaundalikarni Devasthan as well as inspection

Information Furnished*:- Information not available."*

3. According to the Appellant, the information as sought was not furnished and hence he preferred first appeal before the Block Development Officer, Tiswadi, Panaji-Goa being the First Appellate Authority (FAA).
4. The FAA by its order dated 30/11/2021 partly allowed the first appeal and directed the PIO to search the records and then same should be provided to the Appellant.
5. Since the PIO failed to inform about search and information available, the Appellant landed before the Commission by this second appeal under section 19(3) of the Act.
6. Notice was issued to the parties, pursuant to which the PIO, Ms. Ramita Murgaokar appeared alongwith Adv. Nilesh Shirodkar and argued the matter without filing any formal reply.
7. According to the Appellant, he filed RTI application on 12/07/2021 and thereafter filed first appeal before the Block Development Officer being the FAA and inspite of an order of the FAA, the PIO with malafide intention did not provide the information and submitted that he is entitled for the information sought.
8. Learned counsel Adv. N. Shirodkar appearing on behalf of the PIO argued that, the information sought by the Appellant is vague and ambiguous, not specifying the year of information generated or type of information or the subject matter of the information which can clearly indicate or demonstrate the material information which can be disseminated, therefore it was impossible for the PIO to provide the information.

He also submitted that, the public authority has not maintain the individual files so as to provide the inspection of file and he offered for the inspection of purported information to the Appellant. To substantiate his case he relied upon the judgment of High Court of Bombay, Nagpur Bench in the case of the **State Information Commissioner & Ors v/s Mr. Tushar Dhananjay Mandlekar (L.P. Appeal No. 276/2012)**.

9. Perused the appeal memo, scrutinized the records and considered the oral submissions and judgment relied upon by the rival parties.
10. On perusal of the application filed under section 6(1) of the Act, which is reproduced hereinabove at para No. 1, the Appellant has sought information/record which do not pinpoint any specific information that can be provided to him. In order to get the information from any public authority, the Appellant has to specify the information as required under section 6(1) of the Act. It is not expected that the PIO to do research to decipher all material records and to furnish the outcome to the Appellant. Where the request for information is straightforward, clear and has defined scope, it would be possible for the PIO to identify the material on record with respect to the subject. However where the request for information is wide and unspecific, it is impractical and impossible for any PIO to furnish the information.
11. It is a matter of fact that, the Panchayats where established in the State of Goa in the year 1962 and since then onward the public authority is functioning. The information sought for by the Appellant is without specifying the date and year of generation of information. It is impracticable to search the record of last 60 years and then to furnish to the Appellant. This kind of request cannot be treated to fall within the ambit of information as defined under the provision of section 2(f) of the Act.

12. On going through the judgment of Bombay High Court relied upon by Adv. N. Shirodkar in the case of **The State Information Commissioner & Ors v/s Mr. Tushar Dhananjay Mandlekar (Supra)** it is seen that the court held that:-

"..... Instead of seeking information on some specific issues, the respondent sought general information on scores of matters. The application is vague and the application does not make it clear to the Information Officer as to what information is actually sought by the respondent from the Officer. It was literally impossible for the appellants, as pointed by the learned Assistant Government Pleader to supply the entire information sought by the respondent.

*.....The principle of **lex non cogit ad impossibilia** is clearly applicable to the facts of the case. Law does not compel a person to do that what is impossible."*

13. The extent and scope of information and the nature in which it is to be dispensed is elaborately discussed and laid down by Hon'ble Supreme Court in the case of **Central Board of Secondary Education & Anr. v/s Aditya Bandopadhyaya (C.A. No. 6454/2011)** as under:-

*"37..... Indiscriminate and impractical demands or directions under **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 counter-productive 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.”

14. In the present case, the RTI application dated 12/07/2021 was replied by the PIO on 18/08/2021 that is within stipulated time and categorically replied that information is not available. The Appellant has not specified the information, therefore it was not practicable to furnish the information unless specific details are provided to the PIO.
15. In the light of above judgment and circumstances, I find no malafide intention or irregularity on the part of the PIO in non-furnishing the information. The appeal is devoid of any merit therefore stand dismissed.
- Proceedings closed.
 - Pronounced in the open proceeding.
 - Notify the parties.

SD/-
(Vishwas R. Satarkar)
State Chief Information Commissioner