

GOA STATE INFORMATION COMMISSION

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

Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website:www.gsic.goa.gov.in

Appeal No. 169/2022/SCIC

Shri. Narayan Datta Naik,
H.No. 278/1 (3), Savorfond,
Sancoale-Goa 403710.

.....Appellant

V/S

Shri. Raghuvir D. Bagkar,
Public Information Officer,
Village Panchayat of Sancoale,
P.O. Cortalim,
Mormugao-Goa 403710.

.....Respondent

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 28/06/2022

Decided on: 09/11/2023

FACTS IN BRIEF

1. The Appellant, Shri. Narayan Datta Naik r/o. House No. 278/1 (3), Savorfond, Sancoale-Goa vide his application dated 21/03/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought 15 point information from the Public Information Officer (PIO), Office of the Village Panchayat Sancoale, Mormugao-Goa.
2. The said application was responded by the PIO on 10/05/2022 in the following manner:-

"With reference to your application under subject supply of information under section 6(1) to RTI Act 2005 vide inward No. 5898 dated 21/03/2022 from point No. 1 to point No. 15 is very bulky in nature and require good amount of time.

Further you are kindly requested to arrange to visit to this office in morning session in next week during office hour for the inspection of documents in order to comply towards your RTI application."

3. Not satisfied with the reply of the PIO, the Appellant filed first appeal before the Block Development Officer Mormugao Block, Vasco-da-Gama, Goa on 11/05/2022, being the First Appellate Authority (FAA).
4. The FAA by its order dated 30/05/2022, allowed the first appeal and directed the PIO to provide pointwise information to the Appellant within 10 days, for free of cost.
5. Since the PIO failed and neglected to comply with the order of the FAA dated 30/05/2022, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act.
6. Notices were issued to the parties, pursuant to which, the Appellant appeared in person, the PIO, Shri. Raghuvir Bagkar appeared and filed his reply on 23/11/2022.
7. None of the parties appeared for subsequent hearings viz. 30/03/2023, 19/04/2023, 06/06/2023, 17/07/2023, 23/08/2023, 04/10/2023, hence, the Commission finds no reason to further prolong the proceeding and hence, proceed to dispose the appeal on the basis of available records.
8. Through his reply dated 23/11/2022 the PIO contended that, the information sought by the Appellant was voluminous in nature, therefore, by letter dated 10/05/2022 he called for the inspection of records during office hours to comply with the RTI application, which was not availed by the Appellant. He also submitted that the intention of the Appellant is not to obtain the information but to harass the PIO and public authority with ulterior motive.

The PIO further contended that, Appellant is filing numerous complaints/ representation before the Sarpanch of Village Panchayat Sancoale and then following with RTI applications seeking the action taken report / status report of his complaint.

Consequently it would disproportionately divert the resources of the public authority.

9. On meticulous reading of the application filed by the Appellant under Section 6(1) of the Act, particularly at point No. 1,3,7 and 10 which reads as under:-

1. Kindly furnish me Status of my complaint letter dt. 19/01/2021 registered/ file before you office i.e. Demand to Revoke Occupancy Certificate issued to Umiya Holdings Pvt. Ltd. in Survey No. 211/1-A of Sancoale....

3. Kindly furnish me Status of my complaint letter dat. 22/02/2021 (Reminder No. 1) registered/ file before you office i.e. illegal.... Construction.... by M/s. MVR Pvt. Ltd in Survey No. 211/1-A of Sancoale....

7. Kindly furnish me Status of my complaint letter dat. 08/03/2021 addressed to your office on illegalities by MVR Seaview Homes Pvt. Ltd.

10. Kindly furnish me Status of my complaint letter dat. 30/03/2021 addressed to your office for Demand to revoke the Occupancy Certificate issued to Umiya Holdings Pvt. Ltd. name in Survey No. 211/1-A of Sancoale.

From the bare reading of the above it reveals that, in the guise of seeking information, the Appellant is seeking status of his complaints filed on 19/01/2021, 22/02/2021, 08/03/2021 and 30/03/2021. Merely filing representation/ complaint against any commercial business before the Sarpanch of Village Panchayat Sancoale for alleged illegality and expecting the PIO to find out corresponding material /status / action taken by the public

authority is an irrational and unreasonable demand. It appears that in the garb of seeking information the Appellant is pursuing his own agenda. The RTI Act cannot be converted in to proceeding for adjudication of dispute. There is no provision under the Act to redress grievances.

10. The Appellant cannot compel a public authority to take action in a definite period and provide the information. The Commission also is not empowered to look into the competence of the public authority to act in a particular manner or within a specific period.

11. The Hon'ble High Court of Madras in the case of **Public Information Officer, Registrar (Administration) v/s B. Bharathi (W.P. No. 26781/2013)** has also given its opinion about vexatious litigations crippling the public authorities and held as follows:-

"28.... Having found that the action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications; that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of time and resource of any public authority, as it would be against the larger public interest."

12. In the matter of **Rajni Maindiratta v/s Directorate of Education (North West-B) (W.P. (c) No. 7911/2015)**, the Hon'ble High Court of Delhi vide its order dated 08/10/2015 has held that:-

"8..... Though undoubtedly, the reason for seeking the information is not required to be disclosed but when it

is found that the process of the law is being abused, the same becomes relevant. Neither the authorities created under the RTI Act nor the Courts are helpless if witness the provisions of law being abused and owe a duty to immediately put a stop there to."

13. 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 that:-

"26. The Act is an effective device, which, if utilized judiciously and properly, would help the citizens 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."

14. A lack of bonafide and uncertainty on the part of the Appellant is evident from the fact that, after filing he did not remain present before the Commission, thus, putting the machinery in to motion. Evaluating the merit of the RTI application dated 21/03/2022 the appeal deserves no consideration, hence disposed off with the following:-

ORDER

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner