

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 225/2021/SCIC

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

.....Appellant

V/S

1. The Public Information Officer,
Mapusa Municipal Council,
Mapusa-Bardez-Goa,
403507.

2. The First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Bardez-Goa, 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 01/09/2021

Decided on: 27/06/2023

ORDER

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H. No. 35/A, Ward no. 11, khorlim, Mapusa, Bardez-Goa vide his application dated 04/06/2021 under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought information from the Public Information Officer (PIO), Mapusa Municipal Council, Mapusa, Bardez-Goa.
2. The said application was not responded by the PIO within stipulated time, deeming the same as refusal, the Appellant filed first appeal before the Chief Officer, Mapusa Municipal Council at Mapusa-Goa being the First Appellate Authority (FAA).
3. Since the FAA also failed and neglected to hear and dispose the first appeal, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act.

4. Parties were notified, pursuant to which the Appellant appeared in person on 31/03/2022, the representative of the FAA, Adv. Pallavi Dicholkar appeared on 19/07/2022 and filed her reply, the PIO Rajendra Bagkar appeared and filed his reply on 08/05/2023 and 26/06/2023.
5. Through his reply dated 26/06/2023, the PIO contended that information sought by the Appellant is against one Bhanudas V. Naik, ex-employee of the Mapusa Municipal Council and who is retired on superannuation on 30/09/2020 and the said information is not available in the records.
6. Having gone through the application filed by the Appellant under Section 6(1) of the Act dated 04/06/2021, it reveals that, the Appellant is seeking the action taken against various complaints and representations filed by him before the public authority viz (i) complaint against Bannudas V. Naik dated 29/03/2021 (ii) complaint against Goa Bagyatdar Sahakari Kharedi Vikri Saunsta, Mapusa dated 14/10/2020 (iii) complaint against Shri. Bharat Dadu Toraskar dated 29/08/2018 (iv) complaint against Shri. Sandip Falari dated 24/03/2021 (v) complaint against Shri. Jana Utkarsh Urban Co-operative Credit Society Ltd. dated 18/05/2020.

In order to get the information from any public authority, the citizen has to specify the information; especially where the request for information is wide in scope, ambiguous and hypothetical in nature, and it is impossible for the PIO to search and furnish such information.

7. Merely filing complaint and representation against any person before the public authority for alleged misdoing and expecting the PIO to find out corresponding material about action taken by the public authority, is an unreasonable demand. It appears that in the

garb of seeking information, the Appellant is pursuing his own agenda. The RTI Act cannot be converted into proceeding for adjudication of dispute. There is no provision under the Act to redress the grievances.

8. The Appellant cannot compel a public authority to take action in a definite period and provide the information. The Commission also has no authority to look in to the competence of the public authority to act in a particular manner or within in a specific period.
9. 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 vexations litigation crippling the public authorities and held as follows:-

"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."

10. The Hon'ble High Court of Delhi while deciding the case of **Shail Sahni v/s Sanjiv Kumar & Ors. (W.P. (c) 845/2014)** has observed that:-

"Consequently, this Court deems it appropriate to refuse to exercise its writ jurisdiction. Accordingly, present petition is dismissed. This Court is also of the

view that misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this "sunshine Act". A beneficent Statute, when made a tool for mischief and abuse must be checked in accordance with law. "

11. 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 become 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."

12. It is a matter of fact that, the Appellant has been a habitual information seeker. In the present case the Appellant has chosen not to appear in the matter, inspite of fair opportunities, which indicates his disinterest in obtaining the information per se.

13. In the light of the above discussion, this second appeal is dismissed.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner