

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. 23/2021/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 First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa 403507.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 01/02/2021

Decided on: 31/08/2023

FACTS IN BRIEF

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H.No. 35/A, Ward no. 11, Khorlim-Mapusa, Goa by his application dated 15/10/2020 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Mapusa Municipal Council, Mapusa-Goa.
2. Since the said application was not responded by the PIO within the stipulated time, deeming the same as refusal, the Appellant filed first appeal before the Chief Officer, Mapusa Municipal Council on 16/01/2020 under Section 19(1) of the Act, being the First Appellate Authority (FAA).
3. The FAA by its order dated 14/01/2021, allowed the first appeal and directed the PIO to furnish the information.
4. Since the PIO failed and neglected to comply with the order of the FAA dated 14/01/2021, the Appellant preferred this second appeal before the Commission under Section 19(3) of the Act.

5. Notices were issued to the parties, pursuant to which, the Appellant appeared in person on 19/04/2021, the then PIO, Vyankatesh Sawant appeared on 07/12/2021 and filed his reply, the representative of FAA, Adv. Pallavi Dicholkar appeared and filed her reply on 09/09/2022. The incumbent PIO, Rajendra Bagkar appeared on 14/07/2023 and filed his additional reply and submitted that he has furnished all the available information to the Appellant and the matter was posted for final arguments on 21/08/2023.
6. In the course of argument today viz. 31/08/2023, the incumbent PIO, Shri. Rajendra Bagkar appeared and submitted that inspite of putting lot of efforts, he could not trace the information in the records of the public authority. He also pointed out that the RTI application of the Appellant dated 15/10/2020 is based on one petition/ representation filed by NGO by name Mapusa People's Union dated 31/10/2017 before the Chief Officer, Mapusa Municipal Council against Bhanudas Naik, Former Accounts cum Administrative Officer of Mapusa Municipal Council. Further, according to the PIO said Bhanudas V. Naik has retired on superannuation on 30/06/2021.
7. Having perused of the material on record, it reveals that the Appellant is seeking action taken report against the said representation dated 31/10/2017. Merely filing representation against any staff before the Chief Officer of Municipal Council for misconduct and expecting the PIO to find out corresponding material about 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. There is no provision under the Act to redress grievances. The RTI Act cannot be converted into proceeding for adjudication of disputes.

8. 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.
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 vexatious litigations 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. 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."

11. 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."

12. In the above stated circumstances, I find no merit in the appeal and hence dispose the appeal with following:-

ORDER

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner