

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 06/2023/SIC

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

-----Appellant

v/s

Shri. Raghuvir D. Bagkar,
Public Information Officer,
Village Panchayat Sancoale,
Pin code No. 403710.

-----Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 10/10/2022
PIO replied on	: 11/11/2022
First appeal filed on	: 11/11/2022
First Appellate Authority order passed on	: 06/12/2022
Second appeal received on	: 05/01/2023
Decided on	: 14/09/2023

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent Shri. Raghuvir D. Bagkar, Public Information Officer (PIO), Secretary of Village Panchayat Sancoale, came before the Commission on 05/01/2023.
2. The brief facts of this appeal as contended by the appellant are that the PIO failed to furnish complete information within the stipulated period of 30 days and later did not comply with the direction of the FAA. Being aggrieved, the appellant has appeared before the Commission by way of second appeal.
3. The concerned parties were notified, pursuant to the notice, appellant appeared pressing for complete information as well as penal action against the PIO and grant of compensation to him. Appellant filed submission dated 01/03/2023. Shri. Raghuvir D. Bagkar, PIO appeared alongwith Advocate Siddhesh P. Patkar and filed reply dated 27/06/2023.
4. PIO stated that, the same appellant previously had asked for voluminous and bulky information where the appellant was requested

to visit Panchayat office to assist the PIO to identify and sort out the information. However, instead of visiting the office, appellant kept on filing applications and appeals only with the sole purpose to harass the PIO. That, the PIO had never denied any information and the delay in issuing reply was unintentional.

5. Appellant contended that, the PIO has intentionally denied him the information and he is unaware of the evil motive of the PIO to deny the information. That, he is seeking the information in larger public interest, to expose illegalities, irregularities and corrupt practices prevailing in the Village Panchayat Sancoale.
6. Advocate Siddhesh P. Patkar, while arguing on behalf of the PIO stated that, the appellant is filing so many applications and appeals under the Act which keeps the authority busy only to respond to these applications and furnish the information. Advocate Siddhesh P. Patkar relied on the Hon'ble Supreme Court of India in Civil Appeal No. 6454 of 2011 (arising out of SLP (c) 7526/2009) in Central Board of Secondary Education and Another v/s Aditya Bandopadhyay and Ors., by stating that the appellant by way of number of applications is compelling the PIO to spend his maximum time in non productive work of collecting and furnishing information.
7. Upon perusal of the available records of the present matter it is seen that, the PIO had responded to the application vide reply dated 11/11/2022 and furnished information to the appellant. Although the reply was issued by the PIO after the stipulated period, the marginal delay of only one day has occurred, thus, can be condoned. The information sought by the appellant is required to be available in the records of the PIO and the PIO had neither claimed exemption from disclosure under Section 8 (1), nor rejected under Section 9 of the Act, the said information. At the same time, appellant, inspite of receiving the information is aggrieved, claiming that the PIO has furnished incomplete and misleading information. Importantly, the PIO has not denied the said contention. Thus, it appears that the PIO has furnished only part information.
8. At the same time, it is noted that the appellant has sought information on myriad of subjects under the jurisdiction of Village Panchayat Sancoale. The Commission finds that such information is indeed bulky and voluminous. Nevertheless, the Act does not allow the PIO to deny any / part information since the same is bulky. On the contrary PIO could have sought more time to furnish remaining information. However, in the present case, the Commission finds that

the PIO initially furnished only some part of the requested information and later maintained that the appellant is seeking bulky information with an intention to harass the PIO.

9. In a similar matter, Hon'ble High Court of Haryana in the case of Dalbir Singh V/s Chief Information Commissioner (C.W.P. 18694 of 2011) has observed:-

"There appears to be no justification to deny the information on this ground. Suffice it to mention that if the records are bulky or compilation of the information is likely to take some time, the information officer might be well within his right to seek extension of time in supply of the said information, expenses for which are obviously to be borne by the petitioner."

10. On the other hand, appellant has contended that he is seeking the said information in larger public interest, to unearth corrupt practices taking place in the authority. He stated that, only when the PIO provides the requested information, he can study the matter and accordingly proceed with further course of action.

Here, the Commission is of the view that the appellant, if is really serious about exposing the illegalities as claimed by him, should have requested the PIO to provide for inspection of the records, identified the information; such an action would have compelled the PIO to furnish the identified information. However, appellant chose to put entire burden of identifying and furnishing voluminous information on the PIO. Also, the information sought pertains to various subjects and many events and it is very difficult for the PIO to satisfy the appellant seeking such voluminous information.

11. It is observed by the Commission that, the same appellant has been seeking all and sundry information, making indiscriminate requests to the PIO under the garb of exposing corrupt and illegal practices, however, the appellant nowhere has given any specific progress of unearthing corrupt practices or cases by the PIO or Sarpanch or any other officer of the said public authority. Appellant should have been more specific and clear while making his contention regarding corrupt and illegal practices which would have substantiated his contention. However, the appellant has not succeeded in bringing to the fore, the larger public interest in seeking such bulky and voluminous information.

12. The Hon'ble High Court of Rajasthan, in Writ Petition No. 10828/2012 in the matter as Hardev Arya V/s. Chief Manager (Public Information Officer) and Others has held :-

"12. It is true that Parliament has enacted the Right to Information Act, for transparency in administration, so also affairs of the state so as to strengthen the faith and trust of the people in the governance of the country. Therefore, the Act is a vital weapon in the hands of the citizens. At the same time, however, this may not be lost sight of that no law shall be allowed to be wielded unlawfully so as to put it to abuse or misuse. Every statute acts and operates within its scope and ambit, therefore, the duty rests with the Courts to discourage litigious obduracy."

13. In the light of the judgments mentioned above and in the background of the facts of the present matter, the Commission holds that, though the appellant has made indiscriminate requests for bulky information, the Act does not allow the PIO to evade disclosure on the said ground. Similarly, PIO did furnish part information to the appellant, but made no efforts to comply with the direction of the FAA. Considering the aim and object behind enacting the Right to Information Act, 2005 and the spirit of the Act, the appellant cannot be deprived of the requested information which is not exempted or rejected from disclosure.
14. This being the case insofar, the Commission concludes that the appellant has to be afforded an opportunity of identifying the information he had sought. Further concludes that, the PIO is required to furnish the information identified by the appellant after the requisite amount towards charges of the documents is paid by the appellant.
15. Hence, the present appeal is disposed with the following order:-
- a) The appellant, if desires, may visit PIO's office with prior intimation and inspect and identify the information sought vide application dated 10/10/2022, within 10 days from the receipt of this order.
 - b) Present PIO of Village Panchayat Sancoale is directed to provide for inspection to the appellant as mentioned in para (a) above and furnish the identified information by the appellant, within 10 days from the date of inspection, after

receiving requisite charges against the information from the appellant.

c) All other prayers are rejected.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

Sanjay N. Dhavalikar

State Information Commissioner
Goa State Information Commission,
Panaji-Goa.