GOA STATE INFORMATION COMMISSION
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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 216/2023/SIC

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

v/s

Mr. Orville C. Vales,
Public Information Officer,
Village Panchayat Sancoale,
Pin Code No. 403710 ------Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 27/01/2023
PIO replied on	: 27/02/2023
First appeal filed on	: 11/04/2023
First Appellate Authority order passed on	: 08/05/2023
Second appeal received on	: 13/06/2023
Decided on	: 11/09/2023

O R D E R

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. Orville C. Vales, Public Information Officer (PIO), Village Panchayat Sancoale, came before the Commission on 13/06/2023.

2. The brief facts of this appeal as contended by the appellant are that, the appellant was provided incomplete information by the PIO (within the stipulated period), hence, he filed first appeal before the First Appellate Authority (FAA), Block Development Officer of Mormugao Taluka. The FAA while disposing the first appeal directed the PIO to furnish the information within 15 days. Appellant further contends that, the said order was not complied by the PIO and being unaware of any evil motive of the PIO in avoiding compliance, he has appeared before the Commission by way of second appeal, seeking remaining information.

3. The concerned parties were notified and pursuant to the notice, appellant appeared pressing for complete information and appropriate action against the PIO. None appeared on behalf of the PIO during the proceeding, however, reply on behalf of the PIO was received in the entry registry dated 08/09/2023.

4. PIO vide reply dated 08/09/2023 stated that the appeal as per reasons as stated in the memo of appeal itself is not maintainable and hence deserves to be dismissed.

5. Appellant submitted that, the PIO has deliberately furnished incomplete information and intentionally avoided disclosure of the complete information. Further, the PIO has neither furnished the information in compliance with the order of the FAA nor challenged the said order. Thus, the PIO has to furnish complete information. That, he is seeking the information in public interest, in order to expose corrupt practices and wrong procedures prevailing in the Panchayat office. Hence, he prays for information and also penal action against the PIO.

6. Upon perusal of the available records of the present matter, it is seen that, Smt. Asha S. Mesta, the then PIO had furnished the appellant information on all seven points, however, the appellant is aggrieved with the reply of the PIO and contends that irrelevant information was furnished to him. The Commission holds that, correct and complete information has to be furnished to the appellant.

7. It is noted that, by the time the first appeal was filed by the appellant, Smt. Asha S. Mesta was transferred and Shri. Orville C. Vales took charge as PIO/Secretary of Village Panchayat Sancoale. The FAA vide order dated 08/05/2023 directed the PIO to furnish the remaining information, yet, the direction was not complied.

8. Shri. Orville C. Vales, the present PIO failed to appear before the Commission to justify non compliance of the direction of the FAA. It is seen from the records that the PIO vide his reply submitted in the Registry, has contended that, the appeal is not maintainable; however, has not substantiated the said contention. Therefore, the Commission dismisses the contention of the PIO and allows the appeal. Hence, the PIO cannot be absolved from the responsibility of furnishing the remaining information and appropriate direction has to be issued to the present PIO.

9. 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 never appeared before the appellate authority to justify his action. It is seen from the records that the PIO vide his reply submitted in the registry has contended that the appeal is not maintainable, however, has not substantiated the said contention. Therefore the Commission dismisses the contention of the PIO and allows the appeal.

10. The Hon'ble High Court of Kerala at Ernakulam in WP (c) No. 6532 of 2006 (c), Treesa Irish v/s the Central Public Information Officer and others, has held:-

> *"25. ……. The difficulties a public authority may encounter in the matter of supply of information are no grounds to deny the information, if that information is available and not exempted from disclosure. Whatever be the difficulties, unless the information is exempt from disclosure, the public authority is bound to disclose the same."*

11. 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.

12. 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.

13. 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."*

14. 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 appear before the Commission to justify his action, inspite of multiple opportunities provided during the present proceeding. 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.

15. This being the case insofar the Commission concludes that the appellant has to be afforded an opportunity of identifying the information he has sought. Further, although the requested information is bulky, the PIO is required to furnish the same, after identified by the appellant.

16. In the background of the above discussion, the present appeal is disposed with the following order:-

    a) The appellant if desires, may visit PIO's office with prior intimation to the PIO and inspect and identify the information sought vide application dated 27/01/2023, within 10 days from receipt of this order.

b) The PIO is directed to provide inspection to the appellant as mentioned above in para (a) and furnish the identified information with respect to the application, within 08 days from the date of inspection, free of cost.

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.