

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 258/2022/SIC

Narayan D. 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

Relevant dates emerging from appeal:

RTI application filed on	: 16/06/2022
PIO replied on	: 09/08/2022
First appeal filed on	: 21/07/2022
First Appellate Authority order passed on	: 13/09/2022
Second appeal received on	: 06/10/2022
Decided on	: 20/03/2023

ORDER

1. Aggrieved by non furnishing of the information, appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') filed second appeal against Respondent Shri. Raghuvir D. Bagkar, Public Information Officer (PIO), which came before the Commission on 06/10/2022.
2. It is the contention of the appellant that the information sought was not furnished by the PIO, hence, he filed appeal before the FAA. PIO was directed by the FAA to furnish the requested information within 15 days. The said direction was also not complied by the PIO, hence, he has appeared before the Commission by way of the second appeal.
3. Notice was issued to the concerned parties and the matter was taken up on board for hearing. Pursuant to notice, appellant appeared and pressed for the information and penal action against the PIO under Section 20 of the Act. Appellant filed submission dated 19/01/2023. Shri. Raghuvir D. Bagkar, PIO appeared alongwith Advocate Kapil D. Kerkar and filed reply on 10/02/2023.

4. PIO stated that, the appellant has deliberately sought voluminous information in order to stall the day to day functioning of the Village Panchayat and that, the intention of the appellant is not to obtain information, but to harass the PIO and consequently divert the resources of the Panchayat in searching information not germane to the cause of the appellant or the public at large.
5. PIO further stated that, in compliance with the direction of the FAA vide letter dated 09/08/2022 he furnished the available information. PIO further submitted that, he denies that the appellant is entitled for multiple information in one application filed under the Act as is held in the case decided by the Chief Information Commission in Rajendra Singh v/s CBI in appeal no. CIC/WB/A/2007/00967. Even so, he has furnished the information as available, in compliance with the direction of the FAA, whereas, appellant has failed to justify how the information furnished is unsatisfactory, vague or evasive.
6. Appellant stated that, he was aggrieved because the PIO denied him the information within the stipulated period of 30 days. Thenafter, PIO vide letter dated 09/08/2022 furnished some information and denied part information by saying that the same is not available in the office record. FAA vide order dated 13/09/2022 directed the PIO to furnish point-wise information within 15 days, still remaining information was not furnished.
7. Appellant contended that the said conduct of the PIO to deny him the information is against the spirit and provisions of the Act. He is seeking the said information in larger public interest to expose illegality of the Secretary/ PIO and the Panchayat and wishes to file criminal complaint before the competent authority against the concerned person involved in the illegality.
8. Upon perusal of the records of the present matter, it is seen that the appellant vide application dated 16/06/2022 had sought information on 22 points. He received no reply from the PIO within the stipulated period of 30 days, hence, filed appeal dated 21/07/2022 before the FAA. During the proceeding of the first appeal appellant received PIO's letter dated 09/08/2022 alongwith the information. Appellant had requested for information on 22 points and PIO furnished him information on 18 points and stated that information on point on. 5, 7, 14 and 15 is not available as per the office records. The said part information has been received by the appellant, however, the appellant is aggrieved by non furnishing of the remaining information.

9. Appellant, aggrieved by non receipt of the information within the stipulated period, had filed appeal before the FAA and the PIO was directed by the FAA to furnish point-wise information. Prior to the FAA's order PIO had furnished information on 18 points, meaning he was required to furnish the information on remaining four points , i.e. point no. 5, 7, 14 and 15 in compliance with the direction of the appellate authority. However, it appears that the PIO took no further action, hence, the appellant has not received the remaining information.
10. Contention of the PIO that the appellant has deliberately sought voluminous information and that the intention of the appellant is to harass the PIO cannot be accepted since the Act does not restrict a citizen from filing number of applications under Sections 6 (1) of the Act, nor the applicant is restricted to ask limited number of questions in an application. Rather, Section 5 (3) of the Act requires the PIO to deal with request from applicant and render reasonable assistance to him and Section 7 (1) of the Act mandates PIO to respond to any request within the stipulated period of 30 days.
11. Similarly, PIO's question pertaining to entitlement of the appellant to seek multiple information in one application is not in tune with the spirit of the Act, since the provisions of the Act as well as rules framed under Section 27 of the Act by the Government of Goa nowhere restricts the applicant from seeking multiple information from any public authority in one application. If the information sought was really voluminous and not specific, the PIO within 30 days could have requested the appellant to visit his office and inspect the relevant documents, such a response would have proved the bonafides of the PIO, at least to some extent.
12. During the proceeding of the present appeal, appellant vide submission dated 19/01/2023 requested the Commission to add the present PIO, Smt. Asha Mesta as respondent and to direct her to furnish the required information to the appellant. Appellant further requested the Commission to impose maximum penalty on Shri. Raghuvir D. Bagkar, the then PIO for failing in his duties and for concealing the information. Similarly, appellant requested for direction to compensate him for the incidental expenses incurred by him including fees of advocate and travel expenses.
13. With respect to the above mentioned requests of the appellant, the Commission issued notice to Smt. Asha Mesta , present PIO of Village Panchayat Sancoale, however, no amendment in the cause title is

required to add her as another respondent for the reason that, being the present PIO, Smt. Asha Mesta is required to furnish the information sought by the appellant. With respect to the request for compensation, no details are provided by the appellant, hence the said request cannot be considered.

14. One of the main contention of the PIO is that the information sought is voluminous, yet he has furnished the available information, though after some delay and the appellant has failed to justify how the information furnished is unsatisfactory and evasive. Here, the Commission observes that the information sought was indeed voluminous, yet PIO has taken efforts to furnish the available information. Considering the ratio laid down by the Hon'ble High Court of Bombay at Goa in Shri. A. A. Parulekar v/s Goa State Information Commission (Writ Petition No. 205/2007) and Public Authority, office of the Chief Engineer and Other v/s Shri. Yeshwant Tolio Sawant (Writ Petition No. 704 of 2012), the Commission, in the present matter concludes that there is no need to invoke Section 20 of the Act to initiate penal action against the PIO.
15. However, the PIO cannot be absolved of his/ her duty of furnishing the remaining information. The Act has been enacted in order to ensure smoother, greater and more effective access to information and provide an effective framework of effectuating the right of information recognised under Article 19 of the Constitution.
16. In the light of above discussion, the present appeal is disposed with the following order:-
 - a) PIO is directed to furnish the information on point no. 5, 7, 14 and 15 sought by the appellant vide application dated 16/06/2022, within 15 days from the receipt of this order, free of cost.
 - b) All other prayer 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