

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 77/SIC/2009

Kashinath J. Shetye,  
Bambino Building,  
Alto Fondvem, Ribandar,  
Tiswadi – Goa

... Appellant.

V/s.

1) Public Information Officer,  
Dy. Director of Panchayats,  
Junta House,  
Panaji – Goa

... Respondent No. 1.

2) First Appellate Authority,  
Director of Panchayats,  
Junta House,  
Panaji – Goa

... Respondent No. 2.

Appellant in person.

Respondent No. 1 in person.

**J U D G M E N T**

(Per Afonso Araujo)

The grievance of the Appellant is that once the Respondent No. 1 called upon the Appellant to inspect the records, the Respondent cannot resort to the provision of section 8(1)(b) of the Right to Information Act, 2005 (for short 'The RTI Act') and deny the Appellant the certified copies of the documents in the files the Appellant inspected.

2. In the request dated 17.02.2009 the Appellant sought a number of information under The RTI Act enumerated at Sr. No. 1 to 14. The Respondent No. 1 provided the information at Sr. No. 6 to 14 and in respect of Sr. No. 1, 2, 3, 4 and 5 stated that the Appellant may inspect all such files available, identify such files of which certified copies will be furnished after

identifying from the case register. Accordingly, the Appellant inspected the files and on 16.06.09 submitted application for certified copies of the documents which he required from the files after the inspection. However, on 13.07.09, on the reasoning that the Appellant is not a party to the proceedings and the information pertains to litigation between other parties which are quasi judicial proceedings and amounts to interference in judicial administration rejected the application being exempted from disclosure u/s. 8(1) (b) of the RTI Act.

3. It is admitted fact that the files which were inspected by the Appellant are cases decided in judicial proceedings wherein the rights of the parties were involved and the Appellant is not a party in those proceedings. However, once a case is concluded any information seeker can apply for copies of a document in a particular case whether he is a party to the proceedings or not and the Respondent No. 1 is not justified in denying the information on the strength that the exemption clause u/s. 8(1)(b) of the RTI Act is attracted. If the information had been sought during the pendency of the judicial proceedings, the Respondent No. 1 could reject it by resorting to the provision of section 8(1)(b) of the RTI Act. Moreover, the Respondent No.1 allowed the Appellant to inspect the file and accordingly applied for certified copies of those documents which the Appellant requires. If the Respondent No. 1 required to invoke the exemption clause, the same should have been done at the stage when the Appellant requested for inspection of the records and not after the Appellant inspected the records and applied for copies of those documents which he requires. In such circumstances the proper course would be the Respondent No. 1 to provide the copies of the documents mentioned in his request dated 16.06.2009. Hence the following order:

## **ORDER**

The Appeal is allowed. The Respondent No. 1 to provide copies of the list of documents mentioned at 1 to 6 in the request dated 16.06.2009 to the Appellant within the period of fifteen days from the date of receipt of this order and report compliance on 11.03.2010.

Pronounced on this 18<sup>th</sup> day of February 2010.

Sd/-  
(Afonso Araujo)  
State Information Commissioner

