

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.128/SIC/ 2013

Rabindra Dias,
Dr. Pires Colony, Block B,
Cujira St. Cruz,
Tiswadi-Goa.

..... **Appellant**

v/s

1.Public Information Officer,
O/o the Engineering College,
Farmagudi- Ponda, Goa.

2.First Appellate Authority,
O/o the Director of Technical Education,
Porvorim – Goa.

..... **Respondents**

Relevant emerging dates:

Date of Hearing : 05-02-2018

Date of Decision : 05-02-2018

ORDER

1. Brief facts of the case are that the Appellant vide an RTI application dated 27/09/2011 sought certain information under Section 6(1) of the RTI Act, 2005 from Respondent PIO, O/o Principal Chief Engineer, Public Works Department, Altinho, Panaji-Goa. It is seen that the information is sought is on 86 points.
2. The present Second Appeal however deals with information from points 54 to 58 that were transferred by the PIO, PWD vide letter dated 14/11/2011 to the PIO, Goa Engineering College (GEC) and which information pertains to the syllabus of Electrical Engineering (Diploma) and Civil Engineering (Diploma), Electrical engineering (Degree) and Civil engineering (Degree).
3. It is seen that the PIO GEC vide letter no 1/4/RTI-GCE(E)/2011/4108 dated 02/02/2012 informed the Appellant that the information in respect of the syllabus copy in civil engineering (degree) consisting of 120 documents may be collected after depositing an amount of Rs.240/- in the Accounts Section of the College. ...2

4. It was also informed in the said letter that with regard to the syllabus regarding Electrical Engineering (Degree) at present the college has the course in Electrical and Electronic engineering (Degree) and therefore, matter will be transferred to the PIO, Goa University. There is also another letter dated 07/05/2012 written by the PIO, GEC in connection to the Appellant's letter of 27/09/2011 wherein the Appellant was requested to collect the information at the earliest.
5. However not satisfied with the reply, the Appellant thereafter filed a First Appeal on 17/07/2012 before the First Appellate Authority (FAA), Directorate of Technical Education, Porvorim-Goa. It is seen that the First Appellate Authority vide his Order dated 16/10/2012 upheld the reply of the PIO and disposed off the said Appeal accordingly. The FAA in his Order has stated that there is erroneous transfer of the appellant original RTI application by the PIO, PWD to the PIO, Goa College of Engineering under provision 5(4) and the same should have been made under section 6(3). The FAA also observed that the PIO, GEC has upheld the true spirit of the RTI act and provided available information to the appellant.
6. Being aggrieved with the Order of the First Appellate Authority the Appellant has approached the Commission by way of a Second Appeal registered on 29/09/2013 and in his prayer has prayed an appropriate Order besides other reliefs of penalty and disciplinary action for refusal of information.
7. This matter has come up before the Commission on several previous occasion and hence it is taken up for final disposal. During the hearing the Appellant is absent without intimation to this Commission. The Respondent PIO, B.R. Kulkarni, Associate Professor, Goa College of Engineering is present in person. FAA is absent.

8. At the outset the Respondent PIO submits that the Appellant has filed his RTI application dated 27/09/2011 with the PIO, PWD and whereas the said PIO has erroneously transferred the RTI application under Section 5(4) to the PIO, Goa College of Engineering to furnish information on points 54 to 58. The PIO submits that transfer of RTI application is effected under section 6(3) and not 5(4).
9. The PIO further states that the appellant was furnished the information on point 58 regarding the syllabus copy of the Civil Engineering (Degree) containing 120 pages to the Appellant free of cost and that the Appellant was also told to pursue the matter with the Goa University as regards information on other points.
10. The PIO also submits that the information pertaining to the syllabus of Diploma courses could not be provided as the same is not conducted by the Goa College of Engineering. Also the information pertaining to Electrical Engineering degree course is also not available as the said course has been changed to Electrical and Electronics Engineering degree and therefore information pertaining to points No.54, 55, 56, and 57 could not be furnished.
11. The Commission after perusing the material on record and after hearing the submissions of the PIO comes to the conclusion that indeed the said RTI application was erroneously transferred under 5(4) instead of 6(3) of the RTI Act.
12. Section 5(4) states that the PIO may seek assistance of any other officer he or she considers necessary for proper discharge and hence the PIO, PWD should have sought assistance from the PIO, Goa Engineering College as per 5(4) regarding information on points from 54 to 58 and after obtaining the same should have furnished it directly to the appellant rather than transferring the entire RTI application to the PIO, Goa College of Engineering.4

13. The Commission however finds that the Order of the First Appellate Authority is a correct and justifiable Order, the FAA has rightly upheld the reply of the PIO that the RTI application has been erroneously transferred under provision 5(4) and the same should have been made under section 6(3). The FAA has also observed that the PIO, GEC has upheld the true spirit of the RTI act and provided available information to the appellant.

No intervention is therefore required with the Order of the First Appellate Authority.

14. As the PIO, Goa College of Engineering has furnished the information to the Appellant as was available i.e. 120 copies of information documents pertaining to point no 58 regarding the syllabus of the Civil Engineering(Degree) free of cost and has also transferred the RTI application to the PIO, Goa University for furnishing the information on other points and further in view that information on points 54, 55, 56 about Diploma courses are not available as such courses are not conducted by the Goa Engineering College and regarding information on point 57 with respect to the Electrical Engineering Degree, the same could not be provided as the course has changed to Electrical and Electronics Engineering (Degree) as such the PIO has not defaulted in any way.

The Appeal is devoid of any merit and accordingly stands dismissed.

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner

