

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.109/ SIC/2013

Sushant S. Naik,
R/o.H.No. 412, Virlosa,
Penha- de-Franca,
Bardez – Goa.
v/s

..... Appellant

1.Public Information Officer,
Joint Director,
Directorate of Planning, Statistics &
Evaluation, Panaji – Goa.

2.The First Appellate Authority,
Directorate of Planning, Statistics &
Evaluation,
O/o the Directorate of Planning,
Statistics & Evolution, Junta House, 3rd
Floor, IVth lift Panaji Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 04-01-2018

Date of Decision : 04-01-2018

O R D E R

1. Brief facts of the case are that the Appellant had u/s 6(1) vide an RTI Application dated 26/03/2013 addressed to the PIO, Social Welfare Department, Panaji-Goa sought information on points (a) to (f) contained therein. It is seen that the information pertaining to point (e) was transferred to the PIO, Planning Statistics and Evaluation Department since it pertained to a survey report regarding one Shri. Ramdas M. Naik holder of Dayanand Social Security Scheme bearing sanction No.23993 dated 01/08/2012.
2. The PIO, Planning Statistics & Evaluation, Department vide a letter No.DPSE/RTI/PIO/13/20/1225 dated 25/04/2013 informed that the said information cannot be provided in terms of Section 11 of the Right to Information Act, 2005. Not satisfied with the reply, the Appellant filed a First Appeal dated 14/05/2013 and the First Appellate Authority vide an Order dated 31/05/2013 disposed off the said First Appeal.

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3. Being aggrieved with the Order of the First Appellate Authority, the Appellant has thereafter approached the Commission by way of a Second Appeal registered on 30/08/2013 and in his prayer has sought to set aside the Order of the FAA and to issue directions to the PIO to furnish the information and for other reliefs.
4. During the hearing the Appellant Shri Sushant S. Naik is absent without intimation to this Commission. The Respondent PIO, Dr. Durga Prasad, Director of Planning Statistics & Evaluation is present alongwith Ms. Neumani M. Rodrigues, APIO, & Shri Sunil Parsekar, Investigator.
5. At the outset the PIO submits that the information pertaining to point (e) was regarding furnishing of Survey Report in respect of Shri. Ramdas M. Naik with date and supporting documents and it is stated that no such record of the said beneficiary is available as the said person having sanction No.23993 dated 01/08/2012 was not covered under the survey frame work. The PIO further submits that since the said person who was the beneficiary was not covered in the survey, therefore no information could be provided. The PIO has filed a detailed reply dated 08/05/2017 which is on record of the Commission.
6. The Commission on perusal of the documents on record and after hearing the submissions, indeed finds that information pertaining to point (e) of the RTI application could not be furnished as the said beneficiary Shri Ramdas M. Naik was not covered under the survey.
7. The Commission however finds that the PIO (former PIO) instead of informing the appellant accordingly, instead sent a reply dated 25/04/2013 stating that information cannot be provided in terms of section 11 of the RTI act and which is incorrect more so as the said information cannot be construed as third party information.

8. The information sought was about a social welfare scheme and which amount is paid from the public exchequer and which is in the public domain and is not a third party information. The Commission also finds that this fact was also overlooked by the First Appellate Authority (FAA) who has not made any attempt to correct the mistake of the PIO and has instead upheld the decision of the PIO in his order dated 31/05/2013. The order of the FAA is accordingly quashed and set aside.
9. However, as the present PIO has explained the case elaborately and filed a revised reply dated 08/05/2017 wherein it is clearly stated that that the Planning and statistics department had initiated a project to carry out a survey of DSSS beneficiaries of the Social Welfare Department with the objective to identify ineligible /doubtful and bogus beneficiaries and the said survey covered from sanction nos 8 to 22329 a total of 18590 beneficiaries of Bardez taluka and as per records available the beneficiary Shri Ramdas Naik having sanction no 23993 dated 01/08/2012 was not covered in the survey and as such no information could be provided to him.
10. **Nothing therefore survives in the Appeal case which accordingly stands disposed.** Consequently the prayer of the appellant in terms of a) as regards directions to the PIO to issue information at point (e) of the RTI application stands rejected. The PIO is however directed to communicate the correct facts to the appellant by sending a fresh reply at his postal address with copy to the commission within 15 days of the receipt of this order.

With these observations, all proceedings in Appeal case stand 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

