

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

CORAM: Shri Juino De Souza State Information Commissioner

Complaint No.32/2017

Jose Manuel Fernandes,
H.No.273, Near railway Station,
Majorda, Salcete, Goa – 403 713.

..... Complainant

v/s

1.Public Information Officer

Devu H. Gaonkar,
Asst. Director (SC/OBC),
Directorate of Social Welfare,
Panaji – Goa.

..... Respondent

Relevant emerging dates:

Date of Hearing : 21-02-2018

Date of Decision : 21-02-2018

O R D E R

1. Brief facts of the case are that the Appellant had filed an RTI application dated 19/07/2017 with the PIO O/o Department of Social Welfare, Panaji-Goa. The information is at 03 points regarding the issuance of a caste Certified. In point (a) the Appellant is asking details of documents taken into consideration for issuance of Certificate. In point (b) the time period taken by the Department to verify and confirm the caste of a person mentioned on the provisional Caste Certificate issued by Dy. Collector's Office and in point (c) to inform whether Samaj Certificate issued by the association known as NIZ RAMPONKARACHO EKVOTT is authorized to issued certificates stating a member of "KARVI COMMUNITY". The Appellant has also enclosed a copy of the said certificate with his application.
2. The Respondent PIO vide his letter dated 16/08/2017 furnished information on all 03 points in Tabulation form. In point No. 1 it was stated that the Appellant may please to pursue the matter with respective Dy. Collector. In point No.2 –not coming under the purview of RTI and in point No.3-not specific, however matter may be pursued with respective Dy Collector. ...2

3. Not satisfied with the reply the Appellant thereafter filed a First Appellant dated 18/08/2017 and the First Appellate Authority (FAA) after hearing the parties directed the Respondent PIO to provide the relevant information reply as agreed by him and disposed off the said First Appeal .
4. Being aggrieved that the order of the First Appellate Authority has not been complied the Appellant thereafter approached the Commission by way of direct complaint u/s 18 praying to initiate disciplinary action and to impose penalty against the PIO for furnishing the incorrect information and other such reliefs.
5. During the hearing the Complainant is absent without intimation to this Commission. The Respondent PIO Shri Devu H. Gaonkar, Asstt. Director of Social Welfare is present in person.
6. The Respondent PIO submits that time bound reply containing the information has been given to the Complainant in tabulation form vide reply dated 16/08/2017. It is further submitted that regarding the information on point (a) it is the Concerned Dy. Collector who calls for documents for issuing Caste Certificates and not the Social Welfare Department and as such the Complainant was informed correctly to contact the said officer.
7. The PIO submits that in point (b) the RTI applicant is asking hypothetical questions which cannot be answered by the PIO and hence the Complainant was informed that the information does not come under the Purview of RTI Act, and regarding information in point (c) the Complainant was informed that Samaj Certificate is not specific as such organizations do not come under the purview of this public authority and the Complainant was informed to pursue the matter with the concerned Dy. Collector.

8. The PIO finally submitted that the First Appellate Authority directed him to furnish a consolidated order dated 15/11/2013 regarding procedure followed was verification of Cast certificate and which has been complied. The PIO furnishes a copy of the said Order before the commission which is taken on record.
9. The Commission after hearing the submissions and on perusal of the material on record finds that while the PIO initially furnished one set of information vide his reply number 61-13-2007-BC/partIII/SWD/3109 dated 16/08/2017 in tabulation form, there are two more replies filed viz no 61-13-2007-BC/partIII/SWD/3995 dated 29/09/2017 and no 61-13-2007-BC/partIII/SWD/4043 dated 03/10/2017 giving a different set of information at point (b) and (c).
10. Also regarding the information at point (a), if the same was available with the O/o of Dy Collector then the PIO should have transferred the RTI application under 6(3) to the concerned PIO to furnish information concerning that point and which has not been done. The Commission observes the PIO initially gave vague and evasive replies and subsequently furnished the information in two other replies and which has led to unnecessary waste of time, energy and money for the appellant who had to run from pillar to post to receive correct information. The Commission also finds that that although the PIO has stated that the Complainant has not enclosed the certificate of the organization NIZ RAMPONKARACHO EKVOTT in the RTI application, the same is already on record of the file.
11. Although the information has been furnished, the Commission observes that certainly there have been lapses on the part of the PIO. The Commission accordingly cautions the PIO who is still in active government service to be more diligent and sensitive while dealing with RTI application so that correct information is furnished at the initial stage itself in the interest of maintaining transparency, accountability and openness of governance.

12. Before parting the Commission also finds that the FAA has passed a short order directing the Respondent PIO to provide the relevant information/ reply as agreed by him. It is not revealed as to what was agreed, the FAA should have specified as to what has been agreed and should have passed a speaking order. The FAA should ensure that detailed speaking orders are passed while dealing the First Appeal.

As information has been furnished although after some delay, the prayer of the complainant to impose penalty and initiate disciplinary action against the PIO stand rejected.

With these observations the Complaint case stands disposed.

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

**Sd/-
(Juino De Souza)
State Information Commissioner**