

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

Appeal No. 82/2019/SIC-I

Engineer Rabindra A. L. Dias,
Dr. Pires Colony, Block "B",
Cujira, St. Cruz, Tiswadi-Goa

.....Appellant

V/s

1. The Public Information Officer (PIO),
O/o. Directorate of Archives & Archaeology,
Panaji Goa.

2. The First Appellate Authority (FAA),
O/o. Directorate of Archives & Archaeology,
Panaji Goa

.... Respondents

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 02/04/2019

Decided on: 10/06/2019

ORDER

1. The second appeal came to be filed by the appellant Shri Rabindra A. L. Dias on 2/4/2019 against the Respondent No.1 Public Information Officer, Office of Directorate of Archives & Archaeology and against Respondent No. 2 First Appellate Authority (FAA) under sub section (3) of section 19 of Right To Information Act 2005.
2. The brief facts leading to the second appeal are that the appellant Shri Rabindra A.L.Dias vide his application dated 20/11/2018 had sought for the following information;
 - a) LIVRO "D" of INDICE REAL de Santana Cruz (TERMO DE ABERTURA) at follo 1 of TR 236 of Ilhas Goa
 - b)INDICE REAL-Freguenza de S.Cruz at Numero de Ordem da indicacao bearing No. 248 as follo 26 at T.R. 236 of INDEX-Ilhas Goa .

c) LIVRO "D" of INDICE REAL de Merces ((TERMO DE ABERTURA) at follo 1 of TR 108 (New) of Ilhas Goa .

d) INDICE REAL-Freguenza de S.Cruz at Numero de Ordem da indicacao bearing No.108 at follo 12 of TR 235 of INDEX-Ilhas Goa.

e) Archives Volume 12959 at follo 85V, 86 & 86V of Book No. 18 of the Notary of Ilhas, Goa Tab. Telles of 1863.

f) "REGIDTO DE TRABSNISSOES" at follos 2v,3 and 3v of Book G- 40, of Ilhas Goa. .

3. The said information was sought from the Respondent No. 1 PIO of the office of Directorate of Archives & Archaeology, Panaji- Goa in exercise of appellant's right u/s 6(1) of Right To Information Act, 2005.
4. It is contention of the appellant that he received reply in terms of section 7(1)of RTI Act to his above application from the Assistant Public information officer on 27/11/2018 interalia informing him that General section is open for public to search the records and hence he may visit their office for his requirement .
5. It is the contention of the appellant that being not satisfied with the above reply and as no information furnished to him ,as such deeming the same as rejection, he filed first appeal to Respondent No. 2 FAA on 24/1/2019 u/s 19(1) of right to information Act,2005 .
6. It is the contention of the appellant that his first appeal was refused to be registered and for the reasons best known to the the Respondent No. 2 FAA . As such he being aggrieved by the action of both the Respondent had no any other option then to approach this commission by way of the present second appeal as contemplated u/s 19(3) of the RTI Act.

7. In this background the present second appeal has been filed by the appellant thereby seeking for direction as against respondent No. 1 PIO for furnishing required information as sought by him vide application dated 20/11/2018 and for invoking penal provisions.
8. Matter was taken up on board and listed for hearing. In pursuant to notice of this Commission, Appellant appeared in person alongwith Advocate Atish Mandrekar. Respondent PIO Dr. Vasu Usapkar and Respondent NO. 2 FAA Mrs. Blossom Medeira were present .
9. Reply was filed by Respondent No. 1 PIO on 3/5/2019 along with enclosures and by respondent No. 2 FAA on 18/4/2019. The copies of the replies filed by Respondents along with the documents was furnished to appellant.
10. It is the case of both the Respondent that authenticated photo copies of Archival records are serviced to public as per archival procedure /rules and the notifications of Government of Goa and the fees to access the archival records are also prescribed. It was further contended that the appellant has applied and collected the documents from Archives Department as per archival norms several times. In support of the above contention they relied upon the decision given by the Haryana State Information Commission in appeal case no 5673 of 2014 ; Umed Singh V/s SPIO .
11. It was further contended that the Archival Vol. No. 12959 has green ledger folios, the ink used is iron gallic ink, which is known to be acidic in nature. In the inspected pages 85V and 86, 86V, the iron gallic ink has resulted in increased acidity of paper which has made the paper fragile and brittle in some portions . The iron gallic ink has penetrated in the paper and the letters are also seen appearing behind the page making the writing on verso/reverse side of the page difficult to read and the pages 2V,3v of the land inscription volume bearing No. G-40 Ilhas

appears to have blue ink which is not permanent in nature and is found to be faded.

12. The Respondent PIO during the hearing on 3/6/2019) submitted that he can only provide the certified copy of the documents and not the authentic copies as sought by the appellant so also he volunteered to give the inspection of records to the appellant. Appellant also agreed and showed his willingness to accept the certified copies of the information and also to carryout the inspection of the records. Accordingly both the parties were directed to fix the date mutually for inspection.
13. Accordingly on subsequent date of hearing the certified copies of the information as sought by the appellant was furnished to him and he acknowledged the same. He also admitted of carried out inspection of records. The appellant did not press for penal provisions and accordingly endorsed his say on the memo of appeal.
14. The respondent no. 1 PIO have shown his bonafide by providing the information to the appellant herein. The records produced by the Respondent PIO on Annexure IV also reveals that earlier also the relevant information as sought by the appellant in his other RTI application was furnished to the appellant . Thus I find that this is not a fit case for invoking provisions interms of section 20 of the RTI Act, 2005.
15. The Respondent No. 2 First Appellate Authority at para 6 of her reply dated 18/04/2019 have specified some reasons for not conducting hearing of 1st appeal filed by appellant and has apologise for the lapse and has assured that it shall not happen in future.
16. Since now the information has been furnished to the appellant, I find that no further intervention of this Commission required and in view of the submissions and endorsement made by the appellant

herein, I find no reasons to proceed with the matter and hence appeal proceeding stands closed.

Notify the parties.

Pronounced in the open court.

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/-

(Ms.Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission
Panaji-Goa