

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No.181/2020

Dr. (Ms.) Kalpana V. Kamat,
Caldeira Arcade, 1st Floor,
'B' Block, Bhute Bhat,
Vasco da Gama-Goa.
403802

.....Appellant

V/S

1. The Public Information Officer,
V.M. Salgaonkar College of Law,
Miramar, Panaji Goa,
P.O. Caranzalem. 403002.

2. The First Appellate Authority,
V.M. Salgaonkar College of Law,
Miramar, Panaji Goa,
P.O. Caranzalem. 403002.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 27/10/2020

Decided on: 25/10/2021

FACTS IN BRIEF

1. The Appellant, Dr. (Ms.) Kalpana V. Kamat, r/o Caldeira Arcade, 1st Floor, 'B', Block, Bhute Bhat, Vasco da Gama, Goa 403802, by her application dated 27/07/2020 filed under sec 6(1) of the Right to Information Act, 2005 (Act for short), sought inspection of documents before seeking the documents from files, from Public Information Officer (PIO), Controller of Examination, Examination Section-III, Goa University, Taleigao, Goa. She sought information on 13 points contained in the said application.
2. The said application was partly replied on 17/08/2020 by the original PIO, Asst. Registrar Examination (PG) of Goa University and partly transferred under sec 6(3) of the Act to the Principal, V.M. Salgaonkar College of Law at Miramar, Panaji Goa to supply the information on point No. 10,11,12 and 13 of the application.

3. The Respondent No. 1 who is the PIO in this appeal, received the said application under sec 6(3) from the PIO of Goa University and replied to the appellant on 03/09/2020.

Not satisfied with the reply of the PIO, she preferred first appeal before the Principal of V.M. Salgaonkar College of Law on 18/09/2020 being the First Appellate Authority (FAA).

4. FAA after duly hearing all the concerned parties passed an order on 19/10/2020 directing the PIO to provide information on Point No. 12 and 13 within a period of two weeks from the date of receipt of the order.
5. Being aggrieved with the order of FAA, Appellant preferred this second appeal under sec 20 of the Act.
6. Parties were notified, pursuant to which Adv. Chirag Angle appeared and filed his reply on behalf of PIO. FAA chose not to file any reply in the matter.
7. Perused the pleadings, reply of the Respondent No. 1, scrutinized the documents on record and heard the submissions of the parties.
8. On perusal of appeal memo, it is noticed that the appeal has been filed under sec 20 of the Act, and mere reading of sec 20 of the Act reveals that, sec 20 deals with penalties. However Right to Information is a fundamental right and the Act is a beneficial Legislation, this Commission considers it as typographical error and hereinafter treats and deals it as an appeal filed under sec 19(3) of the Act.
9. According to Appellant, whatever information provided to her by the PIO is misleading, incomplete and that PIO and FAA have intentionally delayed to provide the information.

10. It is the contention of the PIO through his reply that, after receiving the communication from the Goa University under sec 6(3) of the Act, PIO replied to the Appellant on 03/09/2020 that is within the stipulated time and stated the reason point wise as to why the information sought for could not be supplied.
11. From the records it indicates that by RTI application dated 27/07/2020, the Appellant sought information from the office of Goa University and information pertaining to G.R. Kare College of Law at Margao. However PIO of Goa University has transferred the application to Respondent No. 1, PIO of V.M. Salgaonkar College of Law, Panaji Goa requesting them to provide information on Point No. 10,11,12 and 13 as same is related to College section.
12. On going through the parawise reply given by the PIO vide letter No. F/VMSCSCL/TI/2020-21/53 dated 03/09/2020, it reads as under:-
 - “10. This information is available with Goa University. This year, the admissions were online. Hence, this College did not change anything for the Prospectus.
 11. This Information is sought from Kare College of Law. Therefore no information is supplied by this College.
 12. The question is vague. Information sought for would be supplied if the Applicant can provide details for which year the information is sought.
 13. The question is not specific. If the Applicant can give for which academic year the information is required, the information can be supplied.”

From the above it is clear that, information sought at point No. 10 and 11 does not pertain to this public authority and same is not available and exists with PIO.

The information sought on point No. 12 and point No. 13 constituted respectively, number of months utilised to teach each semester (5 subjects of law) and number of days given to students to prepare for each semester, and list of name of students admitted for FYLLB Degree Course without specifying the year. I am of the opinion that request made by the Appellant is vague and obscure.

13. In the present case, Appellant filed her application on 27/07/2020, and the same is received by the present PIO under sec 6(3) of the Act on 17/08/2020 and replied on 03/09/2020. Considering this circumstance that the application was transferred under sec 6(3) of the Act there is no delay.

I do not find any intentional or deliberate delay in furnishing the information to invoke the penalty or awarding compensation as prayed by Appellant.

14. Accordingly, I dispose the appeal with following:

O R D E R

The appeal is dismissed.

Proceedings closed.

Pronounced in the open court.

Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner