

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 42/SIC/2010

Allan Faleiro,
H. No. 400, Toleband,
Loutolim, Salcete,
GOA – 403 718

... Appellant.

V/s.

Public Information Officer,
Captain of Ports Department,
Panaji – Goa

... Respondent.

Appellant in person.
Respondent in person.

J U D G M E N T

(Per Afonso Araujo)

On the strength of a loaded barge being sunk in the river Zuari, the Appellant sought information under the RTI Act and requires:

- 1) Certified copy of the sunk barge's survey record book showing when, on which hard ground and by which person was the bottom of sunk vessel last sighted and the quantity of repair/maintenance work that was carried out at that time.
- 2) Certified copy of the investigation carried out and findings of the investigation in sinking incident referred above.
- 3) Certified copies of action initiated/orders issued by the Captain of Ports department against the owners, operators and surveyor of the barges involved in the sinking incidents referred above.
- 4) Inspection of the complete file in respect of the incident.

...2/-

The Respondent by communication dated 29.11.2009 provided the information at Sr. No. 1, 2, 3 and 4 stating 'nil'. Not content with the information provided the Appellant preferred First Appeal and the FAA directed the Respondent to reexamine the matter and to furnish up-to-date information within fifteen days. From the letter dated 05.03.2010 it appears that in compliance to the Order of the First Appellate Authority, the Respondent wrote a letter dated 15.02.2010 to the Appellant requiring some clarification and requiring the name of the vessel which sunk in October 2009 by way of clarification. As no information was provided to the Appellant, this Second Appeal.

2. On perusing the reply of the Respondent dated 20.11.2009, the Respondent informed the Appellant that information at Sr. No. 1, 2, 3 and 4 is nil. The Appellant requires survey record of the barge which was sunk in the river Zuari; if any investigation was carried and findings of the said investigation; any action initiated by Captain of Ports against owners of the barge and required inspection of the file pertaining to the incident. The information provided must be in the form it was sought and as the request of the Appellant is specific at Sr. No. 1, 2 and 3, the Respondent or the Officer to whom the assistance was sought by the Authority ought to have been specific in providing the information at Sr. No. 1, 2, 3 and 4 and not merely state that the information sought is nil. In such circumstances the Respondent or the Officer to whom assistance was sought is required to specifically provide the information at Sr. No. 1 to 4. Hence, the following Order:

...3/-

ORDER

The Appeal is allowed.

The Respondent – Deemed Public Information Officer or the Deemed Public Information Officer to provide the information to the request dated 06.11.2009 within the period of fifteen days from the date of receipt of the Order.

Pronounced on this 30th day of June, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner