

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri M. S. Keny, State Chief Information Commissioner

**Appeal No.164/SCIC/2010**

Mrs. Inacin Fernandes,  
R/o H.No. 249/8, Gauaravaddo,  
Calangute, Bardez –Goa.

..... Complainant.

V/s.

1) Public Information Officer,  
O/o Women & Child Development Dept.,  
Panaji –Goa.

..... Respondent No.1.

2) First Appellate Authority,  
Director of Women & Child Development,  
Panaji –Goa.

..... Respondent No. 2.

Appellant alongwith his Adv. P. Kamat present.  
Respondent No.1 and 2 absent.

Adv. K. L. Bhagat for the Respondent No.2 present.

## **J U D G E M E N T** **(12-11-2010)**

1. The Appellant, Smt. Inacin Fernandes, has preferred this appeal praying that Respondent be directed to furnish information.

2. The brief facts leading to the present appeal are as under:-

That the Appellant, vide his application dated 31/03/2010, sought certain information from the Respondent No. 1, however, the Respondent No. 1 refused to give the information. That the Appellant thereafter preferred the First Appeal before Respondent No. 2, who by letter dated 07/06/2010 returned the Appeal Memo saying that the Appellant has put up thumb impression and the contents are not explained to her. That even after First Appeal no information was furnished and that the Appeal was returned . Being aggrieved the Appellant has preferred the present appeal on the grounds as mentioned in the memo of appeal.

3. The Respondents resist the application and their reply is on record. It is the case of the Respondent No.2 that the Appellant submitted her First Appeal dated 14/05/2010 to the inward section of the office of the First Appellate Authority. That in the said First Appeal the

Appellant had challenged the order of P.I.O. on the ground that the information sought by her vide application dated 31/03/2010 has been refused to her by the P.I.O. That the appellant had fixed her thumb impression and it was necessary to read over the contents of the appeal memo to the appellant and explain to her in any vernacular language known by the Appellant, by her advocate and that the memo of appeal was returned to her for the compliance. That the appellant did not resubmit the same. The Respondent No. 2 denies that he violated the provisions of RTI Act. That any clarification from the Appellant was not required at that stage. According to the Respondent No. 2 the appeal is liable to be dismissed.

3. Heard Adv. P. Kamat for Appellant and Adv. K. L. Bhagat for Respondent No. 2. I have perused the records of the case.

It is seen that the Appellant through her Adv. Rupali M. Pedneker filed an application dated 31/03/2010 seeking certain information. By reply dated 06/05/2010, the opponent informed the appellant that matters produced before the Branch of JMFC are confidential and cannot be produced under R.T.I Act as they are not public documents. It is seen that the Appellant preferred the First Appeal on 14/05/2010. By letter dated 07/06/2010 the Appellant was informed that Appellant was illiterate as she has put her thumb impression and whereas the contents of the said appeal is in English and no where it was mentioned that the contents in the application are read over to the appellant in her local language. Hence the said appeal was returned.

5. The grievance of the Adv. Shri Kamat for Appellant is that the First Appellate Authority ought not to have returned the appeal.

It is seen that initial application was filed through advocate the appeal was preferred by the party herself. It is natural that FAA had some reservation. However he could call the Appellant and got the same confirmed from the appellant herself. It

is to be noted here that RTI Act is a people friendly and user friendly act and as such any doubt could have been cleared or clarified by the FAA instead of returning the memo of appeal.

6. In any case the appeal was sent back purely on technical aspect. In my view the option of First appeal is to be exhausted before coming to this commission. Adv. for Appellant also wants that the matter be remanded to the First Appellate Authority. In my view this request is to be granted in the ends of justice.

The first appellate authority to confirm as to whether the appellant herself has filed/signed/put thumb impression and then proceed with the same and to dispose the same within the statutory period.

7. In view of the above I pass the following order:-

**O R D E R**

The matter is remanded back to the First Appellate Authority/FAA. The Appellant to present the said appeal on or before 29/11/2010. The FAA to hear the same after giving opportunity to the parties and dispose off the same within the statutory period as provided in the RTI Act.

The Appellant and the PIO/Respondent No. 1 shall remain present before the FAA on 29/11/2010 at 11.00 a.m.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 12<sup>th</sup> day of November, 2010.

Sd/-  
(M.S. Keny)  
Chief Information Commissioner



