

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 14/2009

Shri Ashish Colaco,
Prisoner No. C-395,
Aguada Prison – Goa.
403 519

..... Appellant.

V/s.

1. Public Information Officer,
The Superintendent,
Aguada Prison – Goa.
403 519.
2. First Appellate Authority,
The Inspector General of Prisons,
State of Goa, Collectorate of North,
Panaji - Goa.

..... Respondents.

Appellant absent.

Respondent No. 1 absent.

J U D G M E N T

(Per Afonso Araujo)

The Appellant an inmate of Aguada Prison sought information under the Right to Information Act, 2005 (hereinafter referred to as the RTI Act) and in the application dated 11/11/2008 addressed to the Respondent No. 1 required the following the information: -

- “1. The reason of the termination him from tailoring job in May, 2007.
2. The reason of keeping him unemployed till date.
3. Whether such punishment of unemployment is prescribed in Goa Prison Manual – 2006?
4. If Yes. Please provide the exact reference of the current Manual such as chapter, page, point, clause, paragraph etc.
5. Kindly provide him a Xerox copy of his history sheet.
6. He assures to provide the action taken by the on duty officers on his applications for seeking job as mentioned below:

...2/-

<u>Date</u>	<u>Registration No.</u>
20.12.07	--
04.03.08	--
10.03.08	617
--	1075
01.08.08	1295
01.08.08	1296

7. A Xerox copy of the application that forwarded to you regarding refusal to work anymore.
8. Remittance of balance 1/3 wages into P.P.C. of 2005 and 2006."

As the Appellant did not receive any reply to the information sought, preferred First Appeal and as he has not received any decision preferred the Second Appeal on 27/4/2009. In reply filed by the Respondent No. 1 stated that after the receipt of the notice of this Commission, the information sought was provided and the memorandum No. CJA/RTI Act/2009/605 dated 29/5/2009 which was produced which the Appellant did not accept and with the prayer that the information provided be handed over to the Appellant and the appeal be disposed off. The Appellant submitted rejoinder to the reply of the Respondent No. 1 as well as the memorandum of the Respondent No. 1.

2. I have gone through the records and proceedings of the case. The question of determination is whether the memorandum dated 29/5/2009 answers the information required to the application dated 11/11/2008 of the Appellant. On perusing the information provided by the Respondent No. 1 on the request dated 29/5/2009 with the information sought by the Appellant on 11/11/2008, the replies answers all the queries mentions at Sr. No. 1 to 7. Whether the Appellant was discriminated by being removed from tailoring section to the prisoners mess, is not for the Respondent No. 1 to give the reasons for such shifting. Even the grievances of the Appellant regarding the reshuffling has been justified by the Respondent No. 1 by producing Work Allotment Order dated 01/04/2009 wherein the allotment of work on 3 months rotation basis has been done on the recommendation of the Work Assignment Committee of Central Jail,

Aguada. The Respondent No. 1 has provided the information from the records and memorandum dated 25/9/2009 have met the requirements to the application for information dated 11/11/2008.

3. The records indicate that the application for information sought and the appeal preferred by the Appellant was placed in the complaint box kept in the Aguada Prison. It is not proper for the Appellant to make use of the complaint box for the purpose of seeking information and preferring appeal under the RTI Act. Any application for information under the RTI Act has to be made to the Public Information Officer. No doubt that any inmate of Aguada Jail has to present any application to the entry clerk who in turn will forward those applications to the concerned officers. Under the RTI Act, an Assistant Public Information Officer is appointed for the purpose of only to forward any application for information or appeal to the Public Information Officer and Appellate Authority respectively. Since such Assistant Public Information Officer cannot provide information under the RTI Act but only forward such application or appeals to the respective public authorities and in case there is a shortage of staff in the Aguada Jail, the public authority in charge of the Register of entries in the Aguada Jail can be nominated as Assistant Public Information Officer for the purpose of only forwarding the applications seeking information and appeals to the Public Information Officer, Appellate Authorities and Commission. This arrangement will discourage any information seeker in the Aguada Jail to make use of complaint box for the purpose of forwarding the applications for information and appeals under the RTI Act. With these observations, the Appeal is disposed off.

Pronounced in the open court on this 16th day of September, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

