

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 10/2009

Shri Allan Falleiro,
H. No. 400, Toleband,
Loutolim, Salcete, Goa – 403718.

..... Appellant.

V/s.

1. Public Information Officer,
Captain of Ports Department,
Panaji - Goa.
2. First Appellate Authority,
Captain of Ports Department,
Panaji - Goa.

..... Respondents.

Appellant present in person.

Adv. N. P. Dias for Respondents.

J U D G M E N T

(Per Afonso Araujo)

The Appellant on 14/02/2009 sought information from the Public Information Officer of the Captain of Ports Department under the Right to Information Act, 2005 (for short the RTI Act) on the items mentioned from 1 to 8.

2. The Respondent No. 1 in the communication dated 18/03/2009 provided the certified copies of the notes dated 12/03/2009 and 17/03/2009 stating that the same was furnished by the concerned dealing hand of the Department. Not satisfied with the reply provided, the Appellant preferred First Appeal before the Respondent No. 2. As the First Appellate Authority did not decide the Appeal, the Appellant preferred the Second Appeal.

3. Shri Falleiro stated that Respondent on 19/05/2009 furnished the information items 1 to 8 stating that it is Nil which is contrary to the reply given on 18/03/2009 and that from the duties of the Captain of Ports shown in Annexure – I of his reply to the written submissions of the Appellant dated 23/07/2009, the Respondent No. 1 can easily provided the information. Shri Dias submitted that whatever information available was provided to the Appellant by letter dated 18/03/2009 and 19/05/2009 and that order of the First Appellate Authority was passed on 28/04/2009 and the Respondent No. 1 complied on 19/05/2009.

4. I have gone through the records of the case and taken into consideration submission of both the parties. The information sought by the Appellant pertains to affairs of Captain of Ports vis-à-vis sea going passengers vessel moored in the River Mandovi and mentioned at items 1 to 8 in the request letter dated 14/02/2009. From the noting shown in Enclosure – I to the reply dated 18/05/2009 it shows that the Respondent No. 1 has answered only items No. 1 and 2 of the letter dated 14/02/2009 and subsequently after the order of the First Appellate Authority dated 28/04/2009, the Respondent No. 1 provided the information stating to be Nil. The Appellant produced the list of duties of the Captain of Ports enumerated at serial numbers 1 to 32 and some of them are that Captain of Ports has control of all inland waterways and territorial waters upto 12 miles; administration, control and conservation of minor ports of Panaji, Mormugao (East of Cortalim), Tiracol, Chapora, Betul and Talpona; has to carry implementation of the Acts and Rules enumerated at I to VIII which includes Indian Vessel Act, 1917 and rules framed thereunder; the Merchant Shipping Act, as applicable to Minor Ports; the Water

(Prevention and Control of Pollution) Act, 1974 and so on. Based on these duties which the Captain of Ports has to perform, the Respondent No. 1 will be in a position either by himself or seek the assistance of the concerned officer in a particular section and to provide the information required to the Appellant. Hence, the following order: -

ORDER

The Appeal is partly allowed. The Respondent No. 1 to provide the information to the request dated 14/02/2009 of the Appellant to the items No. 3, 5, 6, 7 and 8 of the said letter within the period of 20 days from the receipt of the order. The Respondent No. 1 to report compliance on 21/12/2009.

Pronounced in the open court on this 24th day of November, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

