

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 74/2009

Shri Kashinath J. Shetye,  
R/o Bambino Buliding,  
Alto Fondvem, Ribandar,  
Tiswadi - Goa.

..... 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 in person.

Adv. Smt. Nilima Narvekar for Respondent No. 1.

Shri Jose J. Fernandes, U.D.C., authorized representative for Respondent  
No. 2.

## **J U D G E M E N T** **(30-12-2009)**

1. By this Second Appeal, the Appellant prays that the information as requested by the Appellant be furnished to him free of cost, penalty be imposed and for compensation.

2. The facts leading to this present Appeal can be summarized as under :- The Appellant filed an application dated 09/06/2009 under Right to Information Act ('RTI' Act for short) for certain information. The same was transferred to Public Information Officer – Captain of Ports/Respondent No. 1. That the Respondent No. 1 failed to furnish the required information. The Appellant thereafter preferred First Appeal, however, he was informed that appeal stands rejected on the ground that it is not signed by the Appellant. It is the case of the Appellant that no fair hearing was given to him by the First Appellate Authority.

...2/-

Being aggrieved, the Appellant has preferred this appeal on various grounds which are set out in the Memo of Appeal.

3. The Respondents resist the Appeal and their say is on the record. In short it is the case of the Respondents that the First Appeal was no Appeal in the sense that it was not owned up by the alleged Appellant by signing it and First Appellate Authority/the Respondent No. 2 was fully justified in refusing to take cognizance of the said document as First Appeal. It is also the case of the Respondents that Respondent No. 1 provided the information to the Appellant as per section 7(1) of the RTI Act.

4. Heard the Appellant and Adv. Smt. N. Narvekar for Respondent No.1. I have also perused the records of the case. The point that arises for my consideration is whether the relief sought is to be granted or not?

It is seen that the Appellant sought certain information by his letter dated 09/06/2009. The said letter was addressed to Chief Electrical Engineer, Electricity Department, Vidyut Bhavan, Panaji - Goa. It is seen that that the same was referred to Respondent No. 1 on 12/06/2009. By letter dated 13/07/2009 the Respondent No. 1 provided the information to the Appellant. This reply is apparently in time. It is seen from the record that the Appellant was not satisfied and he preferred the First Appeal, however, the Appellate Authority did not consider the same and rejected the same as the Memo of Appeal was not signed by the Appellant.

The contention of the Appellant is two fold. Firstly the answers given are not proper and secondly the First Appeal ought not to have been rejected on the ground that Memo of Appeal was not signed.

According to Adv. Smt. N. Narvenkar the reply given is in their style as they normally do. She supported the rejection of the Appeal.

5. It is to be noted here that object of the Act is to ensure greater and more effective access to information under the control of public authorities. Section 3 of the RTI Act ensures that subject to the provisions of the Act all citizens have the right to information. Information has to be furnished as it is available in the office. From the scheme of the Act it is clear that Right to Information Act ensures maximum disclosures and minimum exemptions, consistent with constitutional provisions prescribing at the same time confidentiality of sensitive information.

I have perused the application of the applicant and the reply of the Respondent No. 1. The answers are in the form of 'Nil'. In my view the same needed elucidation and/or clarity so that information seeker and/or for that matter any other person ought to know properly as to the meaning it conveys. Respondent No. 1 ought to have elaborated a bit and given clear answers as available in the office.

6. Second aspect canvassed is about rejecting the appeal. It is seen that Respondent No. 2/First Appellate Authority rejected the appeal on the grounds that it has not been duly signed by the Appellant. Technically speaking Respondent No. 2/First Appellate Authority may be right. But this Act is for the benefit of citizens and enacted with a view to establish a practical regime of right to information of citizen to have access to information. In my view an opportunity ought to have been given to the Appellant to carry out the said defect. Normally before accepting the appeal such things are checked properly. In any case, authorities to take

proper care in future. Ends of justice demand that matters are disposed off on merits.

7. Coming to the aspect of penalty, I must say that technically there is no delay in supplying the information. However, it is a fact that much time has been consumed in the process. The ends of justice would be met if Respondent No. 1 is directed to provide information free of cost as provided in the RTI Act.

8. In view of all the above, I am of the opinion that Respondent No. 1 should give proper answers that is to say to clarify or elucidate what he means by 'Nil'. Hence, I pass the following Order: -

### **ORDER**

The Respondent No. 1 is directed to provide proper information to the applicant within 30 days from the receipt of this Order. The information be provided free of cost as per section 7(6) of the RTI Act.

Pronounced on this 30<sup>th</sup> day of December, 2009.

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





