

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 301/SIC/2008

Dr. R. Venkatesh, MBBS,
Hemodialysis Unit,
Hospicio Hospital,
Margao – Goa

... Appellant.

V/s.

- 1) The First Appellate Authority,
The Director,
Directorate of Planning, Statistics & Evaluation,
Chief Registrar of Births & Deaths,
Junta House, II rd floor, IV Lift,
Panaji – Goa ... Respondent No. 1.
- 2) The Public Information Officer,
Shri V. B. Saxena,
Dy. Director,
Directorate of Planning, Statistics & Evaluation,
Junta House, IIIrd Floor, IV Lift,
Panaji – Goa ... Respondent No. 2

Adv. Sapna Bhandodkar for Appellant.
Respondent No. 2 in person.

J U D G M E N T

(Per Afonso Araujo)

By request dated 25.09.2008 the Appellant sought information under the Right to Information Act, 2005 (for short, The RTI Act) and requires

- 1: Number of deaths taken place in the below mentioned hospitals for the last five years from January 2004 till date.
- 2: Certified copies of all Death certificates issued by the below mentioned hospitals for the last 5 years from January 2004 till date.

- (1) Vrundavan Hospital & Research Centre, Mapusa.
- (2) Apollo-Victor Hospital, Margao, and
- (3) Grace Cardiac Hospital, Margao-Goa.

...2/-

The Respondent No. 2 in communication dated 24.10.2008 provided the information at Sr. No. 1 stating that number of deaths for the last five years from January 2004 till date is not available and the reply to the information sought at point No. 2 it is stated that the same may be collected from the hospitals concerned. Not satisfied with the decision of the Respondent No. 2, the Appellant preferred the First Appeal and by order dated 27.01.2009 the First Appellate Authority-the Respondent No. 1 maintained the decision of the Respondent No. 2, with the observation that the process of computerization was not completed, thereafter requires validation and after publishing it will be made available to the general public and that the Directorate of Planning, Statistics & Evaluation does not maintain death certificates. Aggrieved by the order of the First Appellate Authority, the Appellant preferred the Second Appeal.

2. The information sought consist of the Respondent No. 2 providing the Appellant number of deaths taken place in the three hospitals mentioned in the request dated 25.09.2008 and copies of those death certificates from January 2004 till date. As per the Registration of Births and Deaths Act, 1969 (to be referred as Registration Act) births and deaths are required to be registered with the public authority entrusted with the registration of births and deaths under the Registration Act. Any death occurred in any private hospital, the concerned hospital authorities have to send to the Registrar of Births and Deaths, Form 4 under the Registration Rules alongwith Form 2 (death report) and according to this material produced by the hospital authorities, the death is registered with the respective public authorities in charge of the registration. In the village areas the Registrar of Births & Deaths is the Panchayat authority and in the city, the Municipal authority.

3. The Appellant sought information from the Respondent No. 2

who is the Public Information Officer in the Office of Chief Registrar of Births & Deaths. Under the Registration Act, the Chief Registrar is the controlling authority and every Registrar must submit under section 19 of the Registration Act periodical reports regarding the entry of births and deaths in the register kept by each Registrar. From the Annual Reports submitted by respective Registrars, the Chief Registrar can provide the information to the Appellant regarding the deaths occurred for that particular period. But the proper course would be that the Respondent No. 2 transfers the request of the Appellant for information under RTI Act to the respective Registrar wherein the three hospitals are situated. The private hospitals must submit the Form No. 4 and 2 (death report) of the death occurred in their hospital to their respective Registrar of Births and Deaths. Since the three hospitals are situated in the city, the Chief Officer of the respective Municipal Councils is the Registrar of Births and Deaths. As such the Respondent No. 2 to transfer the request for information dated 25.09.2008 mentioned at Sr. No. 1 and 2 of the deaths occurred in Vrundavan Hospital & Research Centre, Mapusa to the Public Information Officer, Municipal Council of Mapusa and the information of deaths occurred in Apollo-Victor Hospitals, Margao and Grace Cardiac Hospital, Margao to the Public Information Officer, Margao Municipal Council, Margao. Hence, the following order:

ORDER

The appeal is allowed. The Respondent No. 2 to transfer the request of the Appellant dated 25.09.2008 at Sr. No. 1 and 2 in respect of:

(i) Vrundavan Hospital & Research Centre, Mapusa to the Public Information Officer – Chief Officer, Mapusa Municipal Council.

(ii) Apollo-Victor Hospital, Margao and Grace Cardiac Hospital to the Public Information Officer – Chief Officer of Margao Municipal Council.

The Respondent No. 2 to transfer the request within the period of five days from the receipt of the order and intimate the Appellant of such transfer.

The Public Information Officer-Chief Officer of Mapusa Municipal Council and Margao Municipal Council to provide the information within the period of thirty days from the date of receipt of the transfer, directly to the Appellant and report compliance on 05.03.2010.

Pronounced on this 22nd day of January 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

