

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 25/SCIC/2009
In Appeal No. 279/SCIC/2008

Dr. Ketan S. Govekar,
F-5, Wadji Bldg.,
Next to St. Inez Church, St. Inez,
Panaji – Goa

... Complainant.

V/s.

1) Mr. S. J. Godse,
Public Information Officer,
Dhempe College of Arts & Science,
Miramar,
Panaji – Goa

... Opponent No. 1.

2) Dr. S. V. Deshpande,
First Appellate Authority,
Principal,
Dhempe College of Arts & Science,
Miramar, Panaji – Goa

... Opponent No.2.

Complainant in person.
Opponent No. 1 in person

ORDER

(Per Afonso Araujo)

By Order dated 24.04.2009 passed in Appeal No. 279/SCIC/2008 direction was given to the Opponent No. 1 to provide information on item No. 14 of the request dated 13.10.2008 within a period of fifteen days from the date of the Order.

2. The Opponent No. 1 by letter dated 04.05.2009 in compliance with the Order of the Commission dated 24.04.2009 called the Complainant to collect the information on 6th May, 2009 between 09:30a.m. to 11:30a.m. in the Biotechnology Department of the College. By letter dated 06.05.2009 certified copy of the letter written by the Complainant to the Principal of the Dhempe College of Arts & Science dated 08.08.2007 was provided to the Complainant. On the

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strength that the copy of the letter which was provided by the Opponent No. 1 in pursuance of the Order of the Commission dated 24.04.2009, was not the same which the Complainant required at Sr. No. 14 in the request of the Complainant dated 13.01.2008, the Complainant preferred this Complaint on 1st July, 2009. The Opponent No. 1 and the Opponent No. 2 filed their respective replies to the Complaint on 05.08.2009 and 09.09.2009.

3. The information sought at Sr. No. 14 of the request dated 13.10.2008 consists of certified copy of the letter written by Ketan S. Govekar dated 8-8-2007 which was registered at No. 1613 dated 8-8-2008 in the Inward Register of the Dhempe College of Arts and Science. The contention of the Complainant is that the letter provided by the Opponent No. 1 though it is dated 08.08.2007 is not the same which the Complainant required and referred in the item No. 14 to his request dated 13.01.2008 but it is another letter of the Complainant dated 9.8.2007 wherein the number 9 has been changed to 8 as there is an overwriting of number 8 and that the inward entry No. 1613 has been placed in the letter after the same was pointed out to the Opponent No. 1 by the Complainant in the letter dated 23.05.2009.

4. It is admitted fact the letter dated 8-8-2007 is of the Complainant and signed by him. The contention of the Opponent No. 1 is that in the inward register for the year 2007 there is only one letter of the Complainant addressed to the Principal of Dhempe College of Arts and Science. The Complainant nowhere has mentioned what the letter at Sr. No. 14 deals with except the fact that, as the Principal of the Institution would have been exposed, the letter was destroyed. Without knowing the contents of the letter it will not be possible to arrive at the conclusion that the Opponent No. 1 deliberately provided wrong letter. The information sought under the RTI Act has to be provided from the records and this letter provided by the Opponent No. 1 in pursuance of the Order of the Commission dated 24.04.2009

was given to the Opponent No. 1 by the Assistant Public Information Officer, G. R. Deoulkar (hereafter referred to as 'APIO'). Even though there is a overwriting on the date and the inward stamp was placed subsequently, it cannot be said that the Opponent No. 1 provided false information. It is not the domain of the RTI Act to go into these aspects and it is for the Complainant to approach the appropriate authorities to redress the grievance about overwriting and subsequently placing the inward stamp. The concern of Public Information Officer under the RTI Act is to provide the information from the records and after thorough search the APIO provided the letter in question on 30.03.2009 to the Opponent No. 1 and the Opponent No. 1 complied with the direction in the Order dated 24.04.2009 within time.

5. The delay in providing the information by the Opponent No. 1 as well as the delay in pronouncing the Order by the Opponent No. 2 as First Appellate Authority has been dealt in the Judgment passed in Appeal No. 279/SCIC/2008. Besides, as the First Appellate Authority attributed the delay in providing the information in the same request of the Complainant dated 13.10.2008, to the APIO, directed the APIO to tender apology to the Complainant. The APIO preferred Complaint No. 72/SCIC/2008 against the Opponent No. 2. In the above case the APIO instead of forwarding the application under the RTI Act to the Public Information Officer, forwarded to the Principal as per internal rules of that educational institution and in the process there was a delay in providing information to the Complainant. This Commission by Order dated 24.07.2009 in the Complaint No. 72/SCIC/2008, observed that the APIO should comply with the provisions of the RTI Act rather than internal arrangements of the Institution and it is not for the First Appellate Authority to direct the APIO to tender apology to the Complainant and this Commission warned the APIO to be cautious in future while dealing with the matters under RTI Act.

6. Since the Opponent No. 1 complied with the Order dated 24.04.2009 passed in the Appeal No. 279/SCIC/2008 and the information provided on 4th May, 2009 by the Opponent No. 1 meets the requirement of the information sought at Sr. No. 14 of the request dated 13.10.2008, there are no reasons to proceed further and this Complaint is disposed off.

Pronounced on this 10th day of March, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

