

## **GOA INFORMATION COMMISSION**

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 70/2007-08/GEC

Engr. Rabindra A. L. Dias,  
Dr. Pires Colony, Block "B",  
Cujira, Santa Cruz - Goa.

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Appellant.

V/s.

1. Public Information Officer,  
The Professor in Electronics & Telecommunication,  
Goa Engineering College,  
Farmagudi, Ponda - Goa.
2. First Appellate Authority,  
The Director,  
Technical Education,  
Porvorim - Goa.

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Respondents.

### **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per A. Venkataratnam)

Dated: 04/12/2007.

Appellant in person.

Respondents No. 1 and 2 are also in person.

### **ORDER**

The Appellant made a request for certain information and filed an application under the Right to Information Act, 2005 (RTI Act for short) to the Public Information Officer, Respondent No. 1 herein, mentioning 8 questions in his application. Within the time allowed for the reply, the Public Information Officer sent the information to 3 questions and the remaining 5 questions were not answered saying that the information is not available. These questions are 3, 4, 5, 7 and 8 of the request. Thereupon, the Appellant filed his first appeal within the time limit which was replied to again by the Public Information Officer himself calling the Appellant for a discussion. No hearing was heard by the first Appellate Authority, and no order was also passed by him. as per section 19(1) of the RTI Act, the first appeal has to be disposed off within 30 days extendable to 45 days for reasons to be recorded in writing. The Appellate Authority has to

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hear the Appellant and pass orders even if the Appellant remains absent. As no order was passed by the first Appellate Authority, the Appellant has now filed his second appeal on 28<sup>th</sup> September, 2007. The second appeal is required to be filed within 90 days from the date of order of the first Appellate Authority. As no order has been passed by the first Appellate Authority and in any case counting 45 days from the date of the first appeal and the 90 days time limit under the RTI Act for filing the second appeal, the second appeal dated 28<sup>th</sup> September, 2007 is filed within the time. Even so, the Appellant filed an application for condonation of delay supported by medical certificates of his illness.

2. Notices were issued and the written statements were filed by both the Respondents and a rejoinder was filed by the Appellant. In his rejoinder, the Appellant has raised further 5 more questions which we will not be in a position to take up as additional information has to be sought by the Appellant, if necessary, separately.

3. The reason for not giving information by the Public Information Officer for the 3, 4 & 5 questions is that the information relates to the marksheets and the degree certificate of a third party, which are not maintained by the Goa College of Engineering or even the first Appellate Authority. These are kept as records with the Goa University, which is a separate public authority itself. The correct procedure for the Public Information Officer should have been to transfer these 3 questions to the Public Information Officer of Goa University under section 6(3) of the RTI Act. This was not done by him. On the other hand, at the instance of the first Appellate Authority, Public Information Officer entered into correspondence with the Goa University and obtained the marksheet of Shri. Victor A. V. Gonsalves about whom the Appellant has filed his request for information. Though the marksheets have been furnished by the University to the first Appellate Authority, they are not given by both the Respondents to the Appellant because the University has not authorized them to do so. In any case, the Appellant has to approach the University for this information separately. Questions 7 and 8 are regarding the attendance kept by Shri Victor A. V. Gonsalves while he was pursuing the degree course in Goa College of Engineering from 1984 - 1989. It is the contention of both the Respondents that the attendance of the students is kept only for the purpose of satisfying themselves that a minimum attendance was put in before the students take

degree examination. Once, this requirement is met and the student is allowed to take the examination, the records are destroyed. It is not clear whether there are any standing instructions from Government or the University to do so. During the course of the hearing, the first Appellate Authority has mentioned that a Circular was issued in the 2001 on this subject. However, a copy of a note dated 5/5/2003 of the Principal, Goa Engineering College was produced latter which specifies that the attendance records of students have to be kept for a period of one year. In any case as the details are about a candidate passed out in 1989 and there is a definite statement by College authorities and supported by the Director of Technical Education, the first Appellate Authority herein, that no records of that period are available now. We accept the reply filed by both the Respondents on this point. However, we direct under section 4(1)(a) of the RTI Act to issue comprehensive guidelines for the preservation of the records in connections with the attendance by the students of all technical and professional colleges under the control of the Director of Technical Education prescribing therein the time period upto which they have to be kept and preserved and when they can be destroyed and in what manner. All such records should be properly catalogued and indexed for easy retrieval and reference. This has to be completed within the next two months by the Director of Technical Education. We are also not inclined to grant prayer regarding the starting the penalty proceedings against the Public Information Officer. Hence, the appeal is dismissed.

Pronounced in the open court on this 4<sup>th</sup> day of December, 2007.

Sd/-  
(A. Venkataratnam)  
State Chief Information Commissioner

Sd/-  
(G. G. Kambli)  
State Information Commissioner

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