

GOA INFORMATION COMMISSION

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

Complaint No. 57/2007-08/CPD

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

..... Complainant.

V/s.

1. The Public Information Officer,
The Hydrographic Surveyor,
Captain of Ports Department,
Panaji – Goa.
2. The Under Secretary (Personnel – I),
Government of Goa,
Department of Personnel,
Secretariat, Porvorim – Goa.

..... Opponents.

CORAM :

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

(Per A. Venkataratnam)

Dated: 07/03/2008.

Complainant in person.

Both the Opponents in person.

ORDER

This complaint dated 11/12/2007 is made by the Complainant stating that our order dated 25/10/2007 in the second appeal No. 57/2007 is not complied with. Notices were issued. The Complainant and both the Opponents have participated in the inquiry.

2. The facts are already mentioned in our appellate order dated 25/10/2007. Briefly stated, the Complainant by his original request dated 28/05/2007 under the Right to Information Act, 2005 (for short the RTI Act) asked for the name, designation and qualification of the Surveyor who has approved drawing and surveyed the ship "M. V. Castle Rock No. PNG – 404." After protracted correspondence, it was revealed that Capt. A. P. Mascarenhas, Captain of Ports who is also the first Appellate Authority under the RTI Act, is the surveyor who did the honours. The Complainant

...2/-

also asked for the certified copies of the certificates of the qualifications of the Surveyor, namely, Captain A. P. Mascarenhas. The Public Information Officer, did not get the copies of the documents requested in his Department and has entered into correspondence with various authorities who are likely to keep a record of the qualifications of the Captain A. P. Mascarenhas, namely, the Department of Personnel, Goa Government and the Director of Accounts, Panaji. The Under Secretary (Personnel – I) also expressed his inability to provide the documents stating that the Captain, though is Head of the Department now, was initially recruited as the Dy. Captain of Ports and hence, the Personnel Department did not have the record of qualifications of the Captain with them. Finally, the documents were located in the River Navigation Department, as they were available in the personal file of Captain A. P. Mascarenhas in their Department. The Under Secretary (Personnel – I) finally issued the certificate of qualification to the Appellant on 18/01/2008.

3. The Complainant is of the opinion that still our earlier order is not complied with and the information supplied to him is “incomplete, misleading and invalid for the functions being carried out by Captain A. P. Mascarenhas”. It is his contention that the Captain does not have the required qualification for approving the ships’ structural drawings, surveying ship structures, approving construction of concrete jetties in the river and allotting use of land (riverine) in the jurisdiction of the Coastal Zone Management Authority (CZMA). He has also termed Captain A. P. Mascarenhas as “co-warrantor”. We do not know what he means by that expression. According to the Complainant, the validity of “Master of a Foreign Going Ship certificate” provided by the Captain at the time of his initial recruitment by the Department as the Dy. Captain of Ports, has expired in 1978. It appears that like some other technical qualifications like commercial pilot licence to fly an aircraft requires renewal of the competence certificate periodically, the Master of a Foreign Going Ship Certificate for carrying out the functions and responsibility of commanding the ocean going ship also requires renewal. The skills and knowledge needs upgrading by undertaking a practical test. According to the Complainant, Captain Mascarenhas does not have any such renewal and therefore, he is not qualified to hold the post and finally, the information requested by and given to him regarding the qualification is “incomplete and misleading”.

4. The Public Information Officer and Opponent No. 2 have nothing much to say on this point except whatever efforts put in by the Public Information Officer by corresponding with various authorities just to procure the qualification documents of Captain Mascarenhas. The Under Secretary (Personnel – I) Opponent No. 2 herein has not filed any statement.

5. The question of the competence or otherwise of Captain Mascarenhas to hold the post of the Captain of Ports as well as the need for upgradation of his qualification etc. are not before this Commission. It is also outside the purview of the RTI Act, 2005. Even if the Complainant brings on record any evidence to show that the Captain has to upgrade and renew his qualification periodically apart from his oral arguments, it cannot be said that the Opponent No. 2 has provided “wrong and misleading information”. In any case, the information as available in the office record is already provided to him and it is for the Complainant to take up before competent authority regarding the competence or otherwise of Captain A. P. Mascarenhas to approve the ship drawings, surveying the ships and renewal of the ships’ sea worthiness etc. With this view, the complaint is dismissed for want of jurisdiction.

Announced in the open court on this 7th day of March, 2008.

(A. Venkataratnam)
State Chief Information Commissioner, GOA.

(G. G. Kambli)
State Information Commissioner, GOA.