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Complaint No. 113/SCIC/2011 / 1314
 Goa State Information Commission,
 Shrama Shakti Bhavan, Gr. Floor,
 Patto, Plaza, Panaji -Goa.

Date:- 19/10/2011

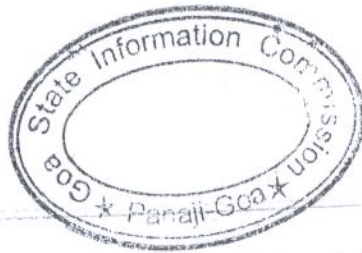
1. Adv. B. S. Gaunker,
 B-3, Block-I, 2nd Floor,
 Skylark Apartment,
 Menezes Braganza Road,
 Panaji - Goa
2. The Public Information Officer,
 Goa University,
 Taleigao Plateau,
 Goa
3. The A.P.I.O./Asst. Registrar - I,
 Goa University,
 Taleigao Plateau,
 Goa

3088
 Date 12/11/11
 For perusal
 DR(A)
 Pl. prepare the reply
 per the directives
 AA college / APIO
 Pl. put up relevant
 papers. Supt.

Sir,

I am directed to forward herewith copy of the Order dated 17/10/2011 passed by the Commission in the above referred case for your information and necessary action.

Yours faithfully,



(Meena H. Naik Goltekar)
 Under Secretary cum Registrar
 Goa State Information Commission
 Panaji-Goa

Encl:- copy of order in 4 pages

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 113/SCIC/2011

Adv. B. S. Gaunker,
B-3, Block-I, 2nd Floor,
Skylark Apartment,
Menezes Braganza Road,
Panaji - Goa

... Complainant

V/s

1. The Public Information Officer,
Goa University,
Taleigao Plateau,
Goa

2. The A.P.I.O./Asst. Registrar - I,
Goa University,
Taleigao Plateau,
Goa

... Opponent

Complainant present.

Opponent absent. His representative Smt. B. Daniel present.



ORDER
(17/10/2011)

1. The Complainant, Adv. B. S. Gaunker, has filed present the complaint praying that the opponent be directed to furnish the Information requested by the complainant by letter dated 18/04/2011

2. The brief facts leading to the present complaint are as under :-
That the complainant, vide letter dated 18/04/2011 sought certain information under Right to Information Act, 2005 (R.T.I. Act for short) from the Public Information Officer (P.I.O.)/Opponent No.1. That by letter dated 20/05/2011, the respondent No.2 informed the complainant that two more weeks time was required to check the old records. That after receipt of the said letter dated 20/05/2011, the complainant waited

for a long period of seven weeks anticipating that the opponent would provide the information. However, as no information has been received by the complainant, the complainant preferred the present complaint.

3. The opponent resists the complaint and the reply of the opponent is on the record. It is the case of the opponent that application was duly received. That the Deputy Registrar (A.C.A.D.)/P.I.O. has already submitted the explanation for the delay vide letter dated 19/08/2011. That the delay was caused as the academic section colleges which were required to submit the information with regard to the queries as contained in the letter dated 18/04/2011 was busy with urgent time bound affiliation Inquiry Committee visit and admission related matters at the relevant time i.e. beginning of the academic year as reported by APIO and as the records from 86 onwards had to be verified which were voluminous as informed by the A.P.I.O. and therefore information could not be provided within 30 days. That vide letter dated 19/08/2011, the required information has already been provided in respect of the query No.1, 2, 3 and 6. That in respect of query No.4 and 5, the same has been declined taking a view that it is beyond purview of R.T.I. Act. However, it is submitted by way of reply that Goa University does not usually receive cases for comparison and equivalence of degrees awarded by two outside Goa universities. That the answer to the query No.4 and 5 is contained in answer to query No.6, therefore, though in the letter dated 19/08/2011 it has been stated that the query is not under the purview of R.T.I. Act. That the answer to the query No.4 and the first and second part of query No.5 is contained in query No.6. That it is, therefore, apparent that there is no specific provision or procedure or standard prescribed in terms of statute or ordinance of Goa University. That in regard to part of para No.5, the same would not come under purview of R.T.I. Act. That in case of Celsa Pinto, the Bombay High Court has taken a view that the reason for any act or answer to why is beyond the purview of R.T.I. Act. It is further case of the opponent that the information has been furnished the application U/s.18 is not maintainable and that no complaint lies in the facts of this case and as such the same is liable to be dismissed.

4. Heard the arguments. The complainant argued in person and advocate Smt. A. Agni argued on behalf of the opponent. The complainant advocate Shri Gaunker referred to facts of the case in detail.

He also referred to the aspect of delay. He also submitted that no information has been furnished in so far as query No.4 and 5 are concerned. He took me through various letters on record.

5. Advocate for opponent submitted all information has been furnished and the opponent has answered all the queries. He also submitted that no complaint lies.

6. I have carefully gone through the records of the case and also considered arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not?

7. It is seen that by application dated 18/04/2011, the complainant sought certain information. The information consisted of 6 points Sr. No.1 to 6. By letter dated 20/05/2011 the A.P.I.O./Asst. Registrar I informed the appellant about receipt of the application and requested to give two more weeks time to check old records. By letter dated 18/09/2011 the information was furnished. The information was furnished in respect of points at Sr. No.1, 2, 3 and 6. In respect of point at Sr. No.4 and 5 it was informed that the same do not come under the purview of R.T.I. Act.

8. The contention of the appellant in the present complaint is that he is entitled to the said information.

9. The short point that falls for consideration is whether the same is or is not covered under R.T.I. To my mind the said queries can be answered by the opponent since they are concerned with University. It is pertinent to note here that in reply at para 3 the opponent states as under:-

“... The answer to query No.4 and 5 is contained in answer to query No.6, therefore though in letter dated 19/08/2011 it has been stated that the query is not under the purview of R.T.I. Act. The answer to query No.4 and the first and second part of query No.5 is contained in answer to query No.6.....”

10. In view of this, the opponent/P.I.O. to furnish the information to query No.4 and 5 specifically. I do agree with the opponent regarding

query "If not why?" The same need not be answered. The R.T.I. Act does not enjoin the P.I.O. to answer such queries asking reasons or justifications.

11. Regarding delay. No doubt there is delay. However P.I.O. brought this to the knowledge of complainant. Again explanation given in the reply is convincing. Apart from that the complainant also does not press the same. Under these circumstances, the same is not deliberate and is liable to be condoned.

12. In view of all the above, the information in respect of query/point at Sr. No.4 and 5 be furnished. Regarding 'If not why' need not be given. Hence I pass the following order :-

ORDER

The complaint is allowed. The opponent No.1/P.I.O. is hereby directed to furnish the information to the complainant in respect of point at Sr. No.4 and 5 of the application dated 18/04/2011 within 20 days from the date of receipt of this order and report compliance.

Needless to say that regarding query 'why' need not be answered.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 17th day of October, 2011.



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