

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 178/2008

Shri Rabindra A. L. Dias,  
Dr. Pres Colony, Block 'B',  
Cujira,  
Santa Cruz-Goa

... Appellant.

V/s.

1) The Public Information Officer,  
Div. VIII (Buildings-South),  
PWD, Fatorda, Margao,  
Salcete – Goa

... Respondent No. 1.

2) The First Appellate Authority,  
Superintending Surveyor of Works,  
P.W.D., Altinho,  
Panaji – Goa

... Respondent No. 2.

Appellant in person.

Shri K. L. Bhagat for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

By request dated 11.03.2008 the Appellant sought information under the Right to Information Act, 2005 (for short, 'The RTI Act') in reference to the Second Appeal No. 99/07-08 of Goa State Information Commission and requires (1) Name of the Public Information Officer, (2) Name of the Advocates who have been entrusted to represent the Public Information Officer, in the case referred above, (3) Address of the Advocates representing the Public Information Officer, as stated above, (4) Authority, if any, authorizing the Advocate to represent the Public Information Officer, in the case referred to above, (5) How much money is being paid to the Advocate, per hearing?, (6) How is it being paid, in cash or by cheque?, (7) Who is paying the Advocate?, (8) If the Advocate is of the Legal Counsel, Certificate authorizing to engage an Advocate from the State/Government Funds, under the Right to Information Act, 2005.

2. By communication dated 14.03.2008 the Respondent No. 1 provided the information at Sr. No. 1, 2, 3, 4 and 8 to the request dated

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11.03.2008 and in respect of the information at Sr. No. 5, 6 and 7 stated that no information was available. The Respondent No. 1 on 06.05.2008 transferred the information at Sr. No. 5, 6 and 7 of the request dated 11.03.2008 to the Law Department and Notification No. 1-24-84/LD dated 27.06.2006 was provided by the Law Department to the Respondent No. 1. The Appellant preferred First Appeal and by Order dated 23.05.2008 disposed the Appeal with the observation that there is no substance in the allegations of the Appellant that, the Respondent No. 1 has malafidely denied the request for information and obstructed in furnishing the information sought by the Appellant. Aggrieved by this Order the Appellant preferred this Second Appeal.

3. The contention of the Appellant is that the Respondent No. 1 on the receipt of the request dated 11.03.2008 ought to have transferred the information at Sr. No. 5, 6 and 7 to the Public Authority having the information and not merely state that the information is not available in the office. In fact, the appointment of the Advocates to the Courts and various other Public Authorities to represent a particular department are appointed from the panel prepared by the Law Department and their terms and conditions are governed by a particular notification in that regard. Since the request at Sr. No. 5, 6 and 7 pertains to the fees payable to an Advocate appointed to represent the Departments before the Commission, this information the Respondent No. 1 ought to have transferred within the period of five days from the receipt of the request to the concerned Public Information Officer but the Respondent No. 1 transferred those queries only on 06.05.2008. By letter No. 2/70/2005/LD-Estt./232 dated 31.01.2008 of Under Secretary (Estt.), addressed to K. L. Bhagat, Government Counsel, the Second Appeal No. 99/07-08 was allotted to said Government Counsel to represent the Public Information Officer as well as the First Appellate Authority before the Commission and the notification No. 1-24-84/LD dated 27.06.2006 of Under Secretary (Law) gives the fees of the Advocates appointed from the panel. Whether this appointment of the Advocate before this Commission is proper or not, it is for the Appellant to approach Public Authorities appointing the Advocates and not for the Commission to adjudicate on this aspect. For all purpose, there is a specific order from the Law

Department appointing Shri K. L. Bhagat, Government Counsel, to appear before this Commission and represent the Respondents and it is not for the Commission to go into the validity of this letter appointing Shri K. L. Bhagat.

4. No doubt that the Respondent No. 1 ought to have transferred the request at Sr. No. 5, 6 and 7 within five days from the date it is was received, to the Public Authority having such information and by transferring it only on 06.05.2008 there was a delay on the part of the Respondent No. 1. The question is whether this delay was intentional or not. In fact the information sought on 11.03.2008 it was provided by Respondent No. 1 immediately on 14.03.2008, and though the replies to the information sought at Sr. No. 5, 6 and 7 was that no information was available, it does not mean that the Respondent No. 1 intentionally did not transfer the request to the Public Information Officer of the Law Department. After all, Law Department, (Estt.) has appointed Shri K. L. Bhagat, Government Counsel, to represent the Respondents in that Second Appeal before the Commission and by furnishing to the Appellant the letter No. 2/70/2005/LD/Estt./232 dated 31.01.2008 has answered the information sought at Sr. No. 8 that Government Counsel Shri K. L. Bhagat was appointed to represent the Respondents in the Second Appeal. Perhaps due to non-familiarity with the provisions of the RTI Act, the Respondent No. 1 did not transfer immediately the request at Sr. No. 5, 6 and 7 to the Law Department and it was only after the Appellant by letter dated 13.05.2008 brought to the notice of the Respondent No. 1 about the provisions of section 6(3) of the RTI Act that the Respondent No. 1 transferred the request at Sr. No. 5, 6 and 7 of the request dated 11.03.2008 to the Under Secretary, Law Department. Since there is no deliberate delay on the part of the Respondent No. 1 to transfer the request at Sr. No. 5, 6 and 7, and the information sought was provided, there are no reasons to proceed further and the Appeal is disposed off.

Pronounced on this 19<sup>th</sup> day of January, 2010.

**Sd/-**  
**(Afonso Araujo)**  
**State Information Commissioner**

