

## **GOA INFORMATION COMMISSION**

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

Appeal No. 110/2007-08/GCA

Shri. Roy D'Souza,  
Don Joao Vaddo,  
Merces, Ilhas - Goa.

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Appellant.

V/s.

1. Public Information Officer,  
Shri. A. K. Rege,  
Goa College of Architecture,  
Altinho, Panaji - Goa.
2. First Appellate Authority,  
The Director,  
Directorate of 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: 29/02/2008.

Adv. C. Crasto for Appellant present.

Adv. K. L. Bhagat for the Respondents.

### **ORDER**

This is a second appeal against order dated 06/09/2007 passed by the first Appellate Authority. The Appellant has a grievance against the order of the first Appellate Authority that it is a non-speaking order and has yet not made him as a Respondent. We have already held in number of cases that the second appeal before this Commission lie against the order of the first Appellate Authority passed under section 19(1) of the Right to Information Act, 2005 (for short the RTI Act). This being the case, we consider the first Appellate Authority as the Respondent No. 2.

2. The Appellant has asked for information to the Respondent No. 1 who is the Public Information Officer on 18 points. The Public Information Officer has replied to him pointwise on 10/07/2007 within the time allowed under the RTI Act. The grievance of the Appellant before the first Appellate Authority as well

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as this Commission is that complete information for points 2, 8, 9, 11 and 12 were not given to him. While allowing his first appeal on these points, the Respondent No. 2 did not grant the prayers of imposing penalty and to recommend disciplinary action against the Respondent No. 1. The same prayers are again before us. Notice was issued only to the Respondent No. 1 who has filed the written statement by way of affidavit before us. The Appellant had an occasion to go through this affidavit.

3. Point No. 2 requested by the Appellant is regarding furnishing a certified copy of Board of Studies meeting held on 21/03/2007. The Public Information Officer rejected the request, as the question was not understood by him. There is no vagueness in the question and the Public Information Officer should give the information and supply all the documents connected with Board of Studies meeting dated 21/03/2007, namely, notice of the meeting, agenda of the meeting and minutes of meeting. In such cases, where the Public Information Officer has any doubt regarding the scope of the information to be supplied, he should err on the side of the citizen and furnish to him all available information instead of asking for clarification from the citizen or asking him to come for discussion or requesting him to inspect the documents. He should offer to give all the information on payment of fees prescribed and inform him the amount. At the same time, we clarify, that there is no need to photocopy all the documents till the Appellant pays the fees.

4. The next grievance of the Appellant is regarding the question 8 requiring the Public Information Officer to inform him the budget allotted to Goa College of Architecture under various heads. The Public Information Officer wanted specific period for which the budget is required. Instead of this, he should have given the information of the latest year, namely, financial year 2007-08. The budget allotted to College of Architecture under the head for the latest year is already available with the College authorities, of course, with the accounts wing of the College. In such cases, the Public Information Officer should obtain the information from the official concerned and pass on the same to the Appellant. The next question is about the break up of the expenditure incurred and list of purchases made from the amounts allotted. There is no confusion about this question as well. The only doubt in the mind of the Respondent No. 1 is about the period which we have already mentioned, should be for the latest financial

year. The information of expenditure under the various heads of accounts is compiled by the accounts section periodically by the accounts wing for purpose of reconciliation with the Director of Accounts. Similarly, all the purchases made during the year will also be available with the College office. He should now give this information for the latest year.

5. The next two points 11 and 12 relate to the inspection of documents and files by the Appellant. Whereas the period is not mentioned for point no. 11, the period mentioned for point no. 12 is 2006-07. This inspection should be allowed by the Public Information Officer for the year 2006-07 in respect of both points after arranging with the officials concerned in advance to keep the documents ready for inspection. A date for inspection should be communicated to the Appellant well in advance alongwith the date, time and venue of inspection. After the inspection is over, the details viz. commencement of inspection and end of inspection, official before whom the inspection was held, the documents inspected should be recorded in a proceedings sheet so that further questions of having not allowed the inspection cannot be raised by the Appellant.

6. We have seen that the Respondent No. 1 has replied within the statutory time as well as made his intention to comply with the request of the Appellant clear and we, therefore, do not see any malafides on the part of the Respondent No. 1. The Respondent No. 1 has taken diligent steps to furnish the information. We, therefore, are not inclined to grant the prayer of the Appellant either for imposing the penalty or for recommending disciplinary action against the Respondent No. 1. As to the Respondent No. 2, he has allowed the request of the Appellant except the request for the penalty and disciplinary action which is not within his powers. We, therefore, reject the argument of the Appellant that the first Appellate Authority's order is a non-speaking order.

7. With this view of the matter, the appeal is partly allowed. The Respondent No. 1 is directed to supply the information within the next 15 days.

Announced in the open court on this 29<sup>th</sup> day of February, 2008.

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

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

