

## **GOA INFORMATION COMMISSION**

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

Appeal No. 25/2007-08/AHVS

Shri Shrikant M. Joshi  
C2/G2, Primos Park,  
Near Industrial Estate,  
Corlim - Goa.

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Appellant.

V/s.

1. Public Information Officer,  
Directorate of Animal Husbandry &  
Veterinary Services,  
Pashuamvardhan Bhavan,  
Patto, Panaji - Goa.
2. First Appellate Authority,  
Directorate of Animal Husbandry &  
Veterinary Services,  
Pashuamvardhan Bhavan,  
Patto, Panaji - 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: 13/09/2007.

Adv. N. Shirodkar for the Appellant.

Adv. S. Samant for both the Respondents.

### **ORDER**

This disposes off the second appeal filed on 25<sup>th</sup> June, 2007 by the appellant stating that he has received incomplete information for his request under the Right to Information Act, 2005 (RTI Act for short) and with a prayer to direct the Public Information Officer to give the remaining documents and also to award him compensation. He requested for imposition of penalty on the Public Information Officer and first Appellate Authority and to initiate disciplinary action against both of them. Notices were issued and parties were represented by their Advocates. A written statement was filed by the Respondents, copy of which was given to the Appellant. The Appellant has submitted his written arguments.

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2. The brief facts are that on 4<sup>th</sup> December, 2006, a request for information and supply of documents was submitted by the Appellant. A total of 10 sets of documents were requested alongwith file notings. During the 30 days' period, there was no reply from the Public Information Officer and on 19<sup>th</sup> January, 2007, an interim reply was given by the Public Information Officer stating that the information requested is voluminous and is being gathered to be furnished to him. As it was not received by the Appellant till the 29<sup>th</sup> January, 2007, a first appeal was filed by him before the Respondent No. 2 who also could not dispose off the first appeal within the 30 days provided to him. However, he has given an interim reply on similar lines as the Public Information Officer. Pressed for a proper order and information, a hearing was fixed before the Respondent No. 2 on 12<sup>th</sup> April, 2007 when an order was passed directing the Public Information Officer to provide information on 19<sup>th</sup> April, 2007. This order does not seem to be a final order as another hearing was fixed on 8<sup>th</sup> May, 2007 before first Appellate Authority wherein part information was given to the Appellant. On the same day, the Appellant made a list of 10 documents which were not given to him and which were asked initially by him on the 4<sup>th</sup> December, 2006 itself. Thereupon, the Respondent No. 2 directed the Dy. Director (Farms) to submit the information as available in the office records. There is a lot of confusion as to who was the first Appellate Authority and who was the Public Information Officer at the relevant time. We directed the Director of Animal Husbandry and Veterinary Services to provide us a signed list of all the notifications issued appointing the Public Information Officers and first Appellate Authority in the Animal Husbandry and Veterinary Services Department. As per the list submitted, from 3/11/2006 to 27/5/2007, Dr. H. Faleiro was the first Appellate Authority and Dr. B. Braganza was the Public Information Officer. All the correspondence in this matter was done between the Appellant and the Respondents during this period. It would, therefore, follow that when Dr. Faleiro as first Appellate Authority directed further information to be given as per the list of the documents submitted on 8<sup>th</sup> May, 2007 before the first Appellate Authority by the Appellant, it would have been expected that a direction would be given to the Public Information Officer, namely, Dr. Braganza. However, he has directed the Dy. Director (Farms) to do so. We are not aware who was holding this post and why he was given such direction by the first Appellate Authority. According to the Appellant, Dr. Faleiro issued the

direction to himself. While this is so, on 14<sup>th</sup> May, 2007, Dr. Falerio sought some more clarification from the Appellant on the list of documents submitted by him on 8<sup>th</sup> May, 2007. Dr. Faleiro who was the first Appellate Authority on that date, surprisingly signed the letter as Public Information Officer. The Appellant claims that nothing further is to be clarified and that he approached both Dr. Faleiro and Dr. Braganza a number of times to get the complete information and which was not given to him. Hence, he has submitted the second appeal before us on 25<sup>th</sup> June, 2007.

3. In the written submission and subsequent arguments, the learned Advocates for the Respondents took the plea that all available information is already supplied to the Appellant and that the list of documents requested on 8<sup>th</sup> May, 2007 is a new request. The new request is not clear to the Respondents and it is not connected with the present second appeal. The Respondents have also sought to bring extraneous material like motive of the Appellant in asking for information. The Appellant was stated to be an unsuccessful bidder for supply of Veterinary medicines to the Department. They have also alleged that they have been approached by the Appellant with some inducements in order to buy the medicines from the Appellant's company and that they did not fall a prey to the "temptations". They mentioned about a conspiracy hatched by the Appellant in connivance with a senior officer of the Department to harass them. On the question of Dr. Faleiro signing as Public Information Officer when he was first Appellate Authority, they submitted that Dr. Faleiro was a "De-facto Public Information Officer".

4. The Appellant denied the allegations against him and stated that Respondents are purposely misleading the Commission in order to avoid the supply of documents requested by him.

5. We have perused the papers on record and heard the arguments. It is sufficient to note that the request dated 8/5/2007 is not a new request for information. On a careful comparison of the original request of 4<sup>th</sup> December, 2006 and the new request of 8<sup>th</sup> May, 2007 reveals that there is no extra information which was requested. The file notings of the Department which dealt with the purchase of medicines, rejection of tenders, floating of a re-tender were asked by the Appellant right from the first date of his request. It is the Respondents who have avoided the direct reply and were biding their time

taking the excuse of voluminous information, busy with other activities like recruitment of staff etc. Even when the information was given, it was definitely not complete information. They have also not come out with any plea of exemption from disclosure of information which is not provided by them. We, therefore, do not see why they should not be directed to give the complete information as per the request dated 4<sup>th</sup> December, 2006 and which was amplified in the subsequent letter dated 8/5/2007 by the Appellant. They are directed to give the information to the Appellant within next 15 days. We have also found that as the first Appellate Authority and the Public Information Officer have passed on the buck from one to the other, we direct the Director of Animal Husbandry and Veterinary Services, Shri T. T. Naik to gather this information personally and give the documents to the Appellant. It has come on record that at present, the Director is Dr. T. T. Naik.

6. Though the information was withheld, it is true that it is voluminous and the Respondents have corresponded though belatedly, about the information and gave part of the information. We are, therefore, not inclined to take any further action levying the penalty and awarding the compensation to the Appellant. However, we would like to warn both the Respondents to be careful in future and to ensure that the provisions of the Act are strictly complied with letter spirit. The appeal is partly allowed.

Pronounced in the open court on this 13<sup>th</sup> day of September, 2007.

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

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

/sf.  
sf./dk.