

GOA INFORMATION COMMISSION

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

Appeal No. 31/2007-08/PH

Dr. Lanfredo Da Costa
Dr. L. Da Costa Building,
Ascanio Costa Road,
Margao - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Deputy Director (Public Health),
Directorate of Health Services,
Panaji - Goa.
2. First Appellate Authority,
The Director,
Directorate of Health Services,
Panaji - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 13/12/2007.

Appellant for himself in person.

Both the Respondents in person.

ORDER

This is about a request by the Appellant to the Public Information Officer, Respondent No. 1 herein, under the Right to Information Act, 2005 (RTI Act for short) to give him the inventory proceedings at the time of taking over of the Hospicio Hospital at Margao by the Government and the current status of its assets and liabilities. The request is pending from 8th January, 2007. The Appellant has put 10 questions in all and the Public Information Officer has replied on 29/01/2007, slightly beyond the time allowed under the RTI Act, pointwise. However, the Appellant is not satisfied with the reply given. He has asked for inspection of the records and the date was fixed up on 4th April, 2007 for inspection of the records. The Appellant stated that he was not given full access to the inspection of the records. He took up the matter with the first Appellate Authority who directed the Public Information Officer to give another

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date for inspection. Meanwhile, he approached this Commission by his second appeal on 3rd July, 2007. As the records are very old and the Superintendent of Hospicio Hospital was not in position to trace the same, Joint Secretary, Health Department was directed by this Commission to supervise the searching of the old records by our order dated 31/8/2007. In the report submitted by the Joint Secretary (Health) on 26th September, 2007, he informed that the information given by the Public Information Officer is incomplete but whatever information given was "not wrong". Apparently, the Hospicio administration and the Directorate of Health Services have not kept the records up to date.

2. A background for this case will make it clear what exactly is the problem. The Goa Government by its notification dated 24th December, 1976 published in the Government Gazette took over the assets, liabilities and management of two institutions known as "Hospicio Hospital" at Margao and "Asilo Hospital" at Mapusa. Though, we do not have the details regarding the take over of these Hospitals by the Government, we have noted that (i) that the notification was issued in exercise of the powers vested in the then Administrator of Goa under clause 2 of the GDD (Administration) removal of the difficulties order, 1962; (ii) the Board of Directors of Hospicio Hospital was dissolved from 1/1/1977; (iii) that the "Hospicio de clero" at Margao alongwith its buildings, inmates, staff, furniture etc. was handed over to the Archdiocese of Goa; (iv) all other assets and liabilities were taken over by the Government. The expenditure in future of the Hospicio Hospital was to be made by the Government grants. The management of assets is supposed to be done by the Director of Health Services who should draw the detailed inventory of the assets and submit one copy to the Government. It is this inventory which was requested by the Appellant and which was not presently traceable. However, the list of assets which are in the form of buildings, lands, shares of companies, fixed deposits etc. as can be found by the Hospital administration and the Public Information Officer now were tabulated and given to the Appellant. The problem with this list is that firstly, neither the Department nor the Commission is sure that it is the complete list of the movable and the immovable properties in the absence of the original list of the inventory property at the time of taking over. Secondly, the present value of the shares and the deposits is not known. No doubt this being the Government property, the management of all the Government property is accounted for by the Department, counter checked by the Directorate of Accounts and post

audited by the Accountant General's Office. As the Government Departments do not maintain the double entry book keeping system, exact position of the assets and liabilities at any given time cannot be known as no balance sheet is drawn at the end of an accounting year. Nevertheless, audit reports should give fair information of the current state of affairs of the assets and the liabilities of these institutions right from the year of taking over. However, as the Appellant has mentioned about a number of irregularities in the management of these assets, we deem it proper to order a comprehensive special audit by the Directorate of Accounts, Government of Goa and submit its report to the Government in the Public Health Department for action as deemed fit. The special audit report when it is completed and placed before the Government, a notice should also be given to the Appellant to that effect. However, no copy needs to be given to him before a decision is taken by the Government on the audit. With these observations, we close this matter. The Appellant is free to approach us separately after the special audit is completed.

Pronounced in the open court on this 13th day of December, 2007.

Sd/-

(A. Venkataratnam)

State Chief Information Commissioner, GOA.

Sd/-

(G. G. Kampli)

State Information Commissioner, GOA.

/sf.