

## **GOA INFORMATION COMMISSION**

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

Appeal No. 43/2007-08/DPS

Shri John Philip Pereira  
H. No. 520, Mazilvado,  
Nagoa, Salcete - Goa.

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Appellant.

V/s.

1. Public Information Officer,  
Dr. D. S. Korde,  
The Assistant Accounts Officer Head of Office,  
Department of Printing & Stationery,  
Panaji - Goa.
2. First Appellate Authority,  
The Director,  
Department of Printing & Stationery,  
Panaji - Goa.

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Respondents.

### **CORAM:**

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

(Per G. G. Kambli)

Dated: 25/10/2007.

Appellant present in person.

Respondents No. 1 and 2 are also in person.

### **ORDER**

This will dispose off the appeal filed by the Appellant against the Respondents. The Appellant vide his application dated 13/3/2007 sought the following information from the Respondent No. 1 under the Right to Information Act, 2005 (for short the Act) "whether the Government Printing Press has a publication which is gazetted of the Code of Comunidade. If yes kindly issue me a copy under the rights of information Act 2005". The Respondent No. 1 vide his letter dated 30/3/2007 informed the Appellant that the copies of the Code of Comunidade are not available in stock. The stock of the relevant Official Gazette No. 13, Sr. I, Extraordinary No. 2 dated 04/07/2001 was also exhausted. However, the Xerox copies of the book could be provided which will cost Rs.350/-. Subsequently, the Respondent No. 1 issued another letter dated

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30/4/2007 in supersession of the earlier letter dated 30/3/2007 whereby the Respondent No. 1 informed the Appellant that the Department has reprinted the English translation of Code of Comunidade in the year 2001 as per the matter received from the Revenue Department and that the publication of the said English translation in the Official Gazette is not traceable and therefore, the Respondent No. 1 requested the Appellant to contact the Revenue Department, Secretariat, Porvorim - Goa. Aggrieved by the said letter of the Respondent No. 1, the Appellant filed the first appeal before the first Appellate Authority on 3/5/2007 which apparently was not disposed off by the Respondent No. 2 within the specified time limit. Hence, the present appeal.

2. The Respondent No. 1 filed the reply and denied that the Respondent No. 1 gave the misleading or incomplete information. The Respondent No. 2 also submitted that the first Appellate Authority is on sick leave and now the charge of the first Appellate Authority is given to the Dy. Director (Technical) and therefore, appeal of the Appellant could not be disposed off. The Respondent No. 1 also wrote a letter to the Under Secretary (Revenue) dated 9/9/2007. The Respondent No. 1 further filed his additional reply stating that the Code of Comunidade was published in Portuguese in the Boletim Official No. 15 under Diploma I registativo No. 2070 on 15<sup>th</sup> April 1961 in Series I Suplimento. The copies of which could be provided to the Appellant on payment of the relevant charges in advance.

3. The arguments were heard. During the course of arguments, the Appellant submitted that he wanted to know whether the English translation of the Code of Comunidade has been notified in the Official Gazette and not the original Code of Comunidade. On perusal of the application of the Appellant dated 13/3/2007 seeking information, the Appellant has not made any request regarding the publication of the translation of the Code of Comunidade in the Official Gazette. The Appellant sought the information as to whether the Government Printing Press has a publication which is gazetted of the Code of Comunidade. The reply given by the Respondent No. 1 vide letter dated 30/3/2007 and 30/4/2007 were also not on the points on which the information was sought by the Appellant. The Respondent No. 1 has now clarified in his additional reply dated 5/10/2007 that the Code of Comunidade was published in the Official Gazette and the Xerox copies of the same can be made available on

payment of the relevant charges. This being the position, the Respondent No. 1 has provided the information to the Appellant as per his request dated 13/3/2007. In case the Appellant is interested in knowing whether the translation of the Code of Comunidade has been notified in the Official Gazette, the Appellant will have to make separate request under the Act. In these circumstances, we reject the appeal of the Appellant.

Pronounced in the open court on this 25<sup>th</sup> day of October, 2007.

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

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

/sf.