

GOA INFORMATION COMMISSION

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

Appeal No. 48/2007-08/GMC.

Shri. Deepak B. Naik,
Dandos wado, Mandrem,
Pernem - Goa.

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Appellant.

V/s.

1. Public Information Officer,
The Medical Superintendent,
Goa Medical College,
Bambolim - Goa.
2. First Appellate Authority,
The Dean,
Goa Medical College,
Bambolim - 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: 20/12/2007.

Appellant in person.

Respondent No. 1 in person. Respondent No. 2 absent.

ORDER

This disposes off the second appeal filed by the Appellant on 9th August, 2007. The grievance of the Appellant is that his request for information dated 15th February, 2007 remains unanswered. He has asked information and documents on 23 points. Having received no reply, he has moved the first Appellate Authority on 21/06/2007. Neither any hearing was given by the first Appellate Authority nor any order was passed. He has now come with this second appeal.

2. Notices were issued. The Public Information Officer and the Appellant were present in person. The first Appellate Authority is not represented by anybody and he is absent throughout. In addition to not passing any order on the appeal, he has not even answered the notice of this Commission and did not file any statement either. This is an unfortunate trend and we take adverse

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notice of this. A copy of this order should be sent to the Government in the Health Department to instruct the Dean of Goa Medical College to discharge his statutory duties and take the matters under the Right to Information Act, 2005 (for short the RTI Act) seriously failing which the Commission will take further action. As to the Public Information Officer, he had filed a statement stating that the information is available with the Director (Admn.). As he did not receive the reply in time from the Director, he could not give the information to the Appellant. The Commission, therefore, issued a notice to the Director of Administration. Based on the statement of the Public Information Officer, and as the records are in the possession of the Director of Administration, we considered him as a deemed Public Information Officer under section 5(5) of the Right to Information Act, 2005 (for short the RTI Act). First the Director did not appear in person and next he had submitted a letter stating a number of reasons why he need not give the information. None of these are the grounds provided for rejection of application for request under the RTI Act. The Director pleaded that the Appellant met him and expressed his wish to withdraw the request. When asked to prove his statement he had no documentary evidence to do so. When we have confronted this statement with the Appellant, the Appellant flatly denied having approached the Director of Administration, the deemed Public Information Officer, for withdrawal of his application. The deemed Public Information Officer thereafter went on arguing in his statement filed before us that he does not have a Dy. Director under him, that his Department is a very big Department and he has lot of other work to do. These are also not acceptable grounds for either delaying the reply or rejecting the information. The Commission had directed that the information should be provided to the Appellant as the Public Information Officer did not take any grounds for exemption. Thereupon, a few documents were provided to the Appellant which are photocopied but are not attested. The Appellant, thereafter, approached this Commission that the information on points 5, 11, 14, 22 and 23 are not given to them and whatever documents were given were not attested by either the Public Information Officer or Director of Administration. The Commission in its hearing on 6/12/2007 had given final opportunity to the deemed Public Information Officer and issued a direction to the Director of Administration, the deemed Public Information Officer, not only to attest but also give the complete information on the points mentioned above to the Appellant and submit a compliance report on 14/12/2007. On that day, he again submitted another letter asking the Commission to direct the Appellant to hand over the documents

and collect the same on 20th December, 2007. On the other hand, the Appellant filed a statement saying that he has made many attempts to contact the Director of Administration. However, the documents were not attested by him even though he was asked telephonically to come to the office of the deemed Public Information Officer on 12th December, 2007. It is, therefore, clear from all the material available so far that the Director of Administration is neither willing to part with the information nor willing to state any particular reasons for withholding the information in spite of the long rope given to him. We have already held him as the deemed Public Information Officer under section 5(5) of the RTI Act because the records were in his possession and he has not passed them to the Public Information Officer for giving the reply. This being the position, there is a prime facie reason to believe that the actions of the Director are not diligent and are not bonafide.

3. We hereby direct the Director of Administration, the deemed Public Information Officer to give all the information on all the points afresh with all the documents duly signed and attested on or before 31st December, 2007. As the delay is attributable to the deemed Public Information Officer, we direct that the information be provided free of charge. It has come on record that the application was received in the Dean's office on 26/3/2007 and was sent directly to the Office Superintendent working with the Director of Administration. As the Office Superintendent is working with Director of Administration, we take the receipt of application for information by the Director of Administration on 26/03/2007. Hence, the information should have been given at least by 25/04/2007. The deemed Public Information Officer, Shri. Meghnath Parab should show cause as to why he should not be penalised by levying a penalty of Rs.250/- per day from 25/04/2007 till the information is given in complete form to the Appellant. The case should come up for further hearing on penalty on 4th January, 2008 at 11.00 a.m.

Pronounced in the open court on this 20th day of December, 2007.

Sd/-

(A. Venkataratnam)

State Chief Information Commissioner, GOA.

Sd/-

(G. G. Kambli)

State Information Commissioner, GOA.

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