

GOA INFORMATION COMMISSION

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

Appeal No. 52/2007-08/US(GA)

Shri. Joao C. Pereira
H. No. 40, Acsona - Utorda,
Majorda, Salcete - Goa.

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Appellant.

V/s.

1. Public Information Officer,
The Under Secretary (GA),
Secretariat, Porvorim - Goa.
2. First Appellate Authority,
The Joint Secretary (GA),
Secretariat, 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: 22/11/2007.

Appellant in person.

Adv. K. L. Bhagat for both the Respondents.

ORDER

The Appellant posed five questions to the Public Information Officer of the Department of Information and Publicity. The Public Information Officer of the General Administration Department of the Government of Goa has replied to the Appellant on all the five points. It is not explained by neither the Appellant nor the Respondents how the request for information landed on the table of the Public Information Officer, General Administration Department. Be that as it may, the Appellant made a grievance that the reply furnished to him by the Public Information Officer for two questions has not been satisfactorily answered by the Public Information Officer. These are as follows: - (b) Why Public Information Officer and Asst. Public Information Officer and Appellate Authority is not appointed in the Chief Secretary's office as per RTI Act, 2005 till date? and (c) When the same will be appointed and informed to the public? The Public Information Officer replied that all the Departments allotted to Chief

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Secretary have already appointed the Public Information Officers, Asst. Public Information Officers and Appellate Authorities. As such the question (c) does not arise. The first Appellate Authority confirmed the order of the Public Information Officer. In the second appeal before us, the Appellant contended that the Chief Secretary's office is in overall incharge of State Administration as claimed by the Respondents and hence, it is very vital to have transparency and accountability in this office to the general public of Goa. Therefore, the Public Information Officer, Asst. Public Information Officer and the first Appellate Authority have to be appointed. He cited the instances where the Hon'ble Prime Minister's office, President's office and the Governor's office have appointed the above functionaries and was wondering how the Chief Secretary's office can avoid doing so. He, therefore, requested for directions from this Commission not only to set aside the orders of both the Public Information Officer and first Appellate Authority but to direct the Respondent No. 1 to appoint the Public Information Officer, Asst. Public Information Officer and first Appellate Authority and also initiate disciplinary action against the Respondent No. 1.

2. It has been explained by both the Public Information Officer and first Appellate Authority that though the Chief Secretary is overall incharge of State Administration, the files seeking directions/orders of Chief Secretary from various Departments under his control are being forwarded to the Chief Secretary and returned back with due directions/endorsed therein to the concerned Department where the files are preserved. All the Departments under his control have already appointed the Public Information Officers and Appellate Authorities. There is, therefore, no need for a separate appointment of Public Information Officer and first Appellate Authority in the office of the Chief Secretary.

3. It is interesting to note that the Appellant is getting confused between the public office and the public authority. Whereas, the Public Information Officer has admitted that the office of the Chief Secretary is public office, it does not mean that the office of the Chief Secretary becomes a public authority by itself. It is only the public authority which is required to appoint the Public Information Officer, Asst. Public Information Officer and first Appellate Authority. It has come on record that all the Departments under the Chief Secretary have done so and hence, the obligation under section 5(1) of the RTI Act in those Departments

is fulfilled. We, therefore, find no merit in the arguments of the Appellant. He does not have any grievance regarding the other questions posed by him. We, therefore, dismiss the appeal having no merit.

Announced in the open court on this 22nd day of November, 2007.

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

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

/sf.