

GOA STATE INFORMATION COMMISSION

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

Appeal No. 86/2006/DAHVS

Dr. Rozario Menezes
C/3 Sapana Enclave, Vaddem,
Vasco Da Gama, Goa - 403 802.

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Appellant.

V/s.

1. Public Information Officer
Dy. Director (Planning),
Directorate of Animal Husbandry & Veterinary Services,
Pashusamvardhan Bhawan,
Patto, Panaji - Goa.

2. First Appellate Authority
The Director,
Directorate of Animal Husbandry & Veterinary Services,
Pashusamvardhan Bhawan,
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)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated: 16/04/2007.

Appellant in person.

Adv. Irshad Agha for both the Respondents.

ORDER

This disposes off the second appeal filed by the Appellant on 4th January, 2007 against the Respondent No. 1 and 2. The Appellant has filed the appeal styling it as a complaint. However, as his request has been considered and disposed off by both Public Information Officer and first Appellate Authority, we consider this as a second appeal. The brief facts are that the Appellant by his letter dated 22/12/2005 addressed to the Public Information Officer, Office of the Chief Minister made an application under the Right to Information Act, 2005 (hereinafter called the RTI Act) requesting information on 3 points. Instead of replying or refusing the request, the Public Information Officer, Chief Minister office forwarded it to the Department of Animal Husbandry and Veterinary

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Services. Thereafter, the Public Information Officer, herein, replied on 4/9/2006 that the Appellant should make the payment of fee and collect the information. The information itself is signed by the Respondent No. 1 on 30/8/2006. The Appellant filed his first appeal before the Respondent No. 2 who has disposed off the matter by his letter dated 30/11/2006 stating that the information given by the Public Information Officer "is complete in every respect". Aggrieved by this letter, the present second appeal is filed.

2. The Appellant argued his case personally and the Respondents were represented by Adv. I. Agha. A written statement was filed by the Respondent No. 1 on 24/3/2007 and another statement was filed on behalf of both the Respondents on 10/4/2007 by the Advocate for both the Respondents. For better appreciation of the matter, the questions asked and the replies given are transcribed below: -

1) Whether a Committee has been constituted to prepare an alternative solution to control the stray Dog population in Goa, as stated in the Goa Legislative Assembly on 13th of August, 2002.

Ans. Yes, a Committee already exists in Goa with Secretary (AH) as Head of the said Committee referred to as "Goa Animal Welfare Board" The said Committee decides on all affairs of the Board.

2) Whether such a amended scheme has been placed before the Goa High Court for Guidelines.

Ans. N/A, in view of the Goa Animal Welfare Board monitoring the Scheme of control of Stray Dogs.

3) If not, when such follow up action to the statement made on the floor of the house will be taken up.

Ans. N/A, in view of reply at 2 above.

3. The contention of the Appellant is that he has asked the information about the statement made by the former Chief Minister of Goa in the Legislative Assembly on 13/8/2002 on the subject of controlling Stray Dogs and the Rabid Dogs menace. The statement which was reproduced in a newspaper dated 14th August, was also enclosed alongwith the reported statement by the then Chief

Minister in a box item. The Appellant wanted to know the follow up action on this statement which, interalia, mentions the constitution of Committee subsequent to the making of statement for this purpose and to seek the guidelines from the Hon'ble High Court based on the report of the expert Committee. The Appellant, in the first instance, requested Chief Minister's office itself to inform him the action taken on the statement of the then Chief Minister. There is no forwarding letter of the Chief Minister office forwarding this request. However, another letter dated 6/7/2006 of the Appellant was forwarded to the Director of Animal Husbandry and Veterinary Services for necessary action and to make further correspondence with the Director of Animal Husbandry and Veterinary Services (DAHVS for short). Only thereafter, the Appellant has received the reply from the Public Information Officer, Respondent No. 1 as mentioned above.

4. A bare reading of the replies given reveals that they are not appropriate for the questions asked. Instead of giving the information about a new Committee which was supposed to be constituted by the Government, the DAHVS has given the information about the existing Committee. On being questioned as to how and why the such reply was given, the Respondent No. 1 in his written statement submitted that the Department has not received any such assurance given by the then Hon'ble Chief Minister in the Legislative Assembly. If that is the case, they should have given the information like in the same language to the Appellant. The Respondent No. 1, in his own wisdom, confused the matter further and has given wrong replies to the Appellant. In fact, the Public Information Officer made an attempt to gather the information from the office of the Chief Minister and stated in as many words at para No. 7 of the affidavit in reply. He stated that "infact the officials of the Directorate of Animal Husbandry and Veterinary Services went out of the way to gather information from the office of the Chief Minister". Subsequently, the words "office of the Chief Minister" are scored out and the words "various Departments" have been substituted therein. The Respondent No. 1 has not clarified as to which Departments, he has contacted. The corrected copy as attested by Public Notary was submitted to this Commission.

5. Admittedly, the statement made by the Hon'ble Chief Minister on the floor of the house on 13/8/2002 regarding the stray dog menace pertains to the Department of Respondents. In para 5 of the affidavit in reply of the Respondent

No. 1 it is stated that the Appellant has addressed the letter to the PIO, Office of the Chief Minister, which was not at all the subject matter of the department. If the subject matter of the letter of the Appellant was not concerning the department of the Respondents, it is not understood as to why both the Respondents entertained the said letter and have given the reply. Having responded to the letter of the Appellant, the Respondents now cannot go back and say that the subject matter does not pertain to their Department. The Respondent No. 1 in the affidavit in reply has also stated that the Respondents not only gathered the information from their own Department but also from other departments. However, the names of the other departments have not been specified. It is also not clear from the affidavit in reply, as to whether the Respondents had approached the Department of Legislature seeking copy of the proceedings containing the statement of the then Hon'ble Chief Minister on the subject on the relevant date. Whenever any such statement are made by the Government, such a statement amount to assurance to the house, which the concerned department has to follow. The Respondent No. 1 in his affidavit made a reference to the statement of the MLA's of the house/promises made by the MLA's. The Appellant is not seeking any information on the statement/promises made by the MLA's on the floor of the house. The Appellant is seeking the action taken report on the statement made by the then Hon'ble Chief Minister who is the Head of the Government and the Respondents cannot plead ignorance of such a statement which pertains to their Department.

6. By the above discussion, we have no hesitation in holding that the replies given by the Respondent No. 1 to the questions posed by the Appellant are incorrect and inappropriate.

7. We, therefore, hereby direct the Respondent No. 1 to obtain the copies of the proceedings in respect of the statement made by the then Hon'ble Chief Minister and provide the information after taking appropriate action to the Appellant within 3 weeks from the date of the receipt of this Order.

Parties to be informed.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kambli)
State Information Commissioner

