

**GOA STATE INFORMATION COMMISSION**  
Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Complaint No. 01/2006/Inf/A

Amar B. Naik  
H. No. 128, Costi Kalay,  
Sanguem – Goa.

..... Complainant.

V/s.

1. Government of Goa  
Represented by the Chief  
Secretary to Government  
(Information & Publicity Dept.),  
Govt. of Goa.

..... Respondent No. 1.

2. The Director & Ex-Officio Joint  
Secretary of Goa, (Information &  
Publicity) Dept. of Goa.

..... Respondent No. 2.

**CORAM :**

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

(Per G. G. Kambli)

Dated: 30/03/2007.

**ORDER**

This will dispose off the complaint dated 16/3/2006 filed by the Complainant under Section 18(1)(a)(2) of the Right to Information Act, 2005 (hereinafter referred to as the Act). The complaint was of general nature regarding non-compliance of the various provisions of the Act and in particular Section 4 and 5 of the Act. The Complainant had alleged that very few Public Authorities have designated Public Information Officers and some of the Public Authorities were still struggling with the preparation of the list of Public Information Officers. The Complainant had also alleged that the manuals as required by Section 4(1)(b) of the Act are not displayed on the notice board of the Department for the benefits of the citizens.

2. The Complainant, therefore, had prayed that the list of Public Information Officers of Government offices, NGO's etc. should be displayed outside the office on the notice board alongwith the first Appellate Authorities, fees structures procedure of the appeals as well as the manuals of the Public Authorities including their particulars such as organizations, functions, powers and duties of officers and employees, directory of information and employees, statement of boards, councils committees and other bodies be displayed by way of painted boards.

...2/-

3. The Director of Information and Publicity and Ex-officio Jt. Secretary being the Administrative Department in incharge of the implementation of the Act and State of Goa through its Chief Secretary were made as Respondents.

4. The Commission issued the summons to the Respondent No. 2 and directed to file an affidavit containing the list of Public Authorities which have designated Public Information Officers (PIO), Asst. Public Information Officers (APIO) and first Appellate Authority (FAA) within the time limit of 100 days, list of Public Authorities which have published within 120 days from the commencement of the Act the information on all the 17 points mentioned in Section 4(1)(b) of the Act, steps taken by the Department under Section 4(3) and (4) of the Act to disseminate the information etc. The Respondent No. 2 after seeking time, filed the affidavit. The Commission after taking into consideration the affidavit filed by the Respondent No. 2, passed interim order dated 26/6/2006.

5. In para 10 of the said interim order, the Commission observed that the Respondent No. 2 had made contradictory statements in the affidavit. In the said para 10 of the order, the Commission had observed that the Respondent No. 2 had made a statement that all the Government Departments, Public Sector undertakings and statutory bodies have already designated the PIO's and APIO's and the names of all such officers including the FAA's were displayed at all the offices after the publication in the Official Gazette. On the contrary, in para 4 of the affidavit, he has stated that the Department of Information has also reminded all the Government Departments to prepare manuals and to issue appointment orders of PIOs and APIOs if not done earlier. The Commission had also observed that the Respondent No. 2 in para 3 has stated that the information on all 17 points mentioned in Section 4(1)(b) of the Act has been compiled by the respective departments whereas as per the information furnished by the Respondent No. 2 under his covering letter dated July 17, 2006 there are number of departments including the department of the Respondent No. 2 which did not compile the information as required by Section 4(1)(b) of the Act.

6. The Respondent No. 2 was, therefore, directed to prepare list of PIO's, APIO's and FAA's and published it in the Official Gazette as per the proforma prescribed in the said order. The Respondent No. 2 was also directed to submit the list of Public Authorities which have complied with the provisions of Section 4(1)(b) and Section 5 of the Act as well as the list of the Public Authorities which have not yet complied with these provisions. Accordingly, the Respondent No. 2 filed the list under his covering letter dated 17<sup>th</sup> July, 2006. The Commission thereafter passed another

interim order on 23/8/2006 whereby the Commission has made various observations and issued the following directions to the Respondent No. 2 under Section 19(8) and 18(3)(c) of the Act: -

1. The public authorities which have not yet designated APIOs, PIOs and not yet appointed first Appellate Authority shall do so within 2 weeks from the date of the receipt of this order and send the copies of the notification to Respondent No. 2.
2. The Respondent No. 2 shall get the information verified as already published in the Official Gazette and make the corrections wherever necessary within 2 weeks and re-notify the information in the form of a booklet.
3. The public authorities which are not yet compiled or displayed the details as required by Section 4(1)(b) of the Act shall do so within a month and send the copy of the compliance to the Respondent No. 2.
4. Wherever more than one PIO and APIO are appointed, their jurisdiction be clearly specified within 2 weeks from the date of the receipt of this order.
5. Wherever the Junior Officer or Officer with equivalent rank are appointed as first Appellate Authority in their places Senior Officer be appointed as first Appellate Authority.
6. The Respondent No. 2 should ensure that the directory in a comprehensive booklet form consisting of two parts namely the first part regarding the APIOs/PIOs/Appellate Authority and second part 17 points manuals published by the public authorities with a proper table of contents with page numbers.
7. The Respondent No. 2 shall send the copy of this order to all the public authorities for compliance. The Respondent No. 2 to file an action taken report in the form of affidavit on 29/9/2006 at 11.00 a.m.
7. The Commission, at the request of the Respondent No. 2 extended the time to file the affidavit. The Respondent No. 2 thereafter filed his affidavit on 13/11/2006 alongwith the notification dated 13<sup>th</sup> November, 2006 containing the list of PIO's, APIO's and FAA's.
8. Before we discuss the merits of the matter, we would like to point out that the affidavit dated 13/11/2006 has not been sworn by the Respondent No. 2. The endorsement on the said affidavit made by the Executive Magistrate reads as

follows: - “ Solemnly affirmed before me by Shri/Smt./Kum. State Chief Information who is personally known to me/who is identified by Shri/Smt. .... to whom I know personally”. The affidavits are to be sworn in individual capacity and not by designation. In the affidavit sworn before the Magistrate even the designation of the Respondent No. 2 as Director of Information and Publicity has not been mentioned but the said affidavit says that the “State Chief Information” has sworn the said affidavit. This itself is sufficient to show how carelessly and negligently the Respondent No. 2 has got the said affidavit sworn in before the Executive Magistrate. Such type of affidavit cannot be accepted and therefore, the action needs to be taken against Respondent No. 2 as well as the Executive Magistrate before whom the said affidavit was sworn in.

9. Coming now to the merits of the case, as stated earlier, the grievances of the Complainant are non-compliance of the provisions of the Act. The Commission points out with great pain that inspite of giving directions, the Commission have observed, that still some of the Public Authorities have not yet complied with the provisions of the Act. The attention of the Respondent No. 2 was invited in earlier two orders by the Commission regarding the various mistakes and misleading information compiled and published by the Respondent No. 2 in respect of some of the Public Authorities. Despite this, the Respondent No. 2 did not pay any heed and has again in casual and careless and callous attitude prepared the list blindly without proper application of mind by repeating some of the same mistakes. The Respondent No. 2 has also not published the complete list as there are a number of omissions in the list submitted by the Respondent No. 2. The Commission would like to point out that the Commission in its interim order dated 23/8/2006 had pointed out certain mistakes, which were committed by the Respondent No. 2 while compiling and publishing the information. The para 5 of the said order reads as follows: -

Sr. No.	Name of public authority	PIO	APIO	First Appellate Authority
119	Directorate of Panchayat	Chief Executive Officer, North Goa Zilla Panchayat. Chief Executive Officer, South Goa Zilla Panchayat	Accounts Officer, North Goa Zilla Panchayat. Accounts Officer, South Goa Zilla Panchayat.	Director of Panchayat
139	Office of the North Goa Zilla Panchayat	Chief Accounts Officer	Accountant	Chief Executive Officer (North)
140	Office of the South Goa Zilla Panchayat	Chief Accounts Officer	Accountant	Chief Executive Officer (South)

Inspite of having brought to the notice, the mistakes in the judgment referred to above, the Respondent No. 2 repeated the mistakes in the subsequent list filed before the Commission on 13/11/2006. To illustrate, - (i) Sr. No. 95 reads as follows: -

95	Dte. Of Panchayats, Panaji – Goa.	<b><u>APIO for North Goa Zilla Panch.</u></b> Accounts Officer, N.G.Z.P., Panaji – Goa (for North Goa District)	<b><u>PIO for North Goa Z. Panchyt.</u></b> CEO, N.G.Z.P., Panaji – Goa (for North Goa District)	Director of Panchayats
		<b><u>APIO for South Goa Zilla Panch.</u></b> Accounts Officer, S.G.Z.P., Margao– Goa (for South Goa District)	<b><u>PIO for S.G.Z.P.</u></b> CEO, S.G.Z.P., Margao – Goa (for South Goa District)	
			Village Panchayat Secretary of respective of Village Panchayat in the State of Goa	

Whereas under entries No. 118 and 119 following entries are shown: -

		APIO	PIO	FAA
118	Office of North Goa Zilla Panchayat, Panaji – Goa.	i) Accountant (for North Goa District)	i) Chief Accounts Officer, (for North Goa District)	Chief Executive Officer, North
119	Office of Zilla Panchayat (South), Margao – Goa	Accountant (for South Goa District)	Chief Accounts Officer (for North Goa District)	Chief Executive Officer, South

Thus, it will be seen that the particulars contained under entry No. 95 and entries No. 118 and 119 are contradictory though the particulars are of the same Public Authority. It is also pertinent to note that in respect of entry No. 119 in respect of Z.P. South, Chief Accounts Officer for North Goa District is shown as PIO. We fail to understand as to how the Chief Accounts Officer of North Goa Zilla Panchayat can be Public Information Officer for South Goa Zilla Panchayat which is different Public Authority. The Respondent No. 2 has not bothered to correct the said entries before its publication, which shows negligence on the part of the Respondent No. 2.

(ii) At Sr. No. 181 against the entry of the office of the Chief Minister only Appellate Authority has been shown and the name/designation of the PIO's and details of the Official Gazette in which the notifications are published are not given. In fact, in respect of the office of Chief Minister, the PIO has already been designated vide notification dated 21/8/2006. The O.S.D. to the Hon'ble Chief

Minister has been designated as the PIO and both the notifications appointing the PIO and FAA have been published in the same Official Gazette Series II, No. 23 dated 7/9/2006 and on same page. As such the Respondent No. 2 has published incomplete information in respect of the office of the Hon'ble Chief Minister.

(iii) In respect of Central Library at Sr. No. 35 of the notification Librarian Grade I is designated as APIO whereas in the notification dated 25/8/2006 published in the Official Gazette Series II No. 22 dated 7/9/2006 Senior most Librarian Grade I is shown as APIO. Here again the Respondent No. 2 has not provided the information correctly.

(iv) It is also observed that at Sr. No. 8 of the notification, the Dy. Registrar of Co-operative Societies (Hqs.) is designated as PIO for information regarding General Administration of the office of the RCS. There is no PIO for the subordinate offices as well as the head office in respect of other matters.

(v) At Sr. No. 3, the information pertaining to the Department of Agriculture and the offices of the Zonal Agricultural Officers are given, whereas the order which is published in the Official Gazette, Sr. II No. 28 dated 13/10/2005 at page 683 Shri S. S. P. Tendulkar, Dy. Director of Agriculture (Culture) has been designated as a PIO and Shri A. R. Naik, Dy. Director (Admn.) as APIOs. The notification also does not contain the appointment of the first Appellate Authority. On the contrary, in the information furnished to the Commission by the Respondent No. 2 it mentions that Shri Ulhas B. Pai Kakode, Dy. Director of Agriculture (PP) is shown as the PIO and Zonal Agricultural Officer of the concerned Taluka as PIOs. The details of the Zonal Officer are not mentioned in the said Gazette. In case the Department has modified the appointment order, the details of the said notification and the Gazette ought to have been reflected in the notification.

(vi) At Sr. No. 139, the information pertaining to the Goa State Election Commission has been provided. On perusal of relevant Gazette Sr. II No. 28 dated 13/10/2005, it is seen that Shri M. K. Vasta has been shown as the PIO and Shri Kamlakant G. Naik, Head Clerk as APIO, whereas in the information furnished to the Commission the name of Shri N. V. Prabhudessai, Secretary has been shown as PIO.

(vii) At Sr. No. 165, the information of the Goa Tourism Development Corporation has been provided whereas in the Official Gazette Sr. II No. 28 dated 13/10/2005 one Shri Chandrakant Kandolkar, Manager (Admn.) and Smt. Ninfa Esteberio D'Silva, Manager Hotels are shown as APIO, whereas in the information provided to the Commission there are at least 20 APIOs. The notification also does not contain the appointment of first Appellate Authority.

(viii) At Sr. No. 16 for the office of the Mamlatdar of Sattari, Awal Karkun is shown as APIO, whereas the Official Gazette Sr. II No. 27 page No. 672 dated 6/10/2005, Joint Mamlatdar I is shown as APIO. So far as the information pertaining to the office of the Mamlatdar of Mormugao is concerned at Sr. No. 29, the Mamlatdar of Salcete is shown as PIO. It is not understood how the Mamlatdar of Salcete can be PIO for the office of the Mamlatdar of Mormugao.

(ix) At Sr. No. 66 Director of Museum, has been shown as first Appellate Authority. On perusal of the Gazette notification published in Official Gazette Sr. II No. 28 dated 13/10/2005 at page 684, we do not find the appointment of Director of Museum as first Appellate Authority.

(x) In case of Sr. No. 64, Office of the Commissioner Labour Employment, Dy. Labour Commissioner, Panaji has been shown as PIO for the (North Goa District and South Goa District) Margao has shown as the PIO for South Goa District, whereas in the notification published in the Official Gazette Sr. II No. 27 dated 6/10/2005 at page 661 the Dy. Labour Commissioner, Panaji – Goa has been shown as PIO for the entire State of Goa. Besides, the said notification does not speak of the appointment of the first Appellate Authority. The changes made vide Government notification published in the Official Gazette Sr. II No. 25 dated 21/9/2006 at page 543 have not been carried out and updated.

(xi) At Sr. No. 39, Chief Conservator of Forest has been shown as first Appellate Authority for the office of the Chief Conservator of Forest, Panaji and other Conservator of Forest such as Wild Life, Eco-Tourism, Territorial Wild Life are also shown as the first Appellate Authority in respect of offices of the Dy. Conservator of Forest. Whereas the notification published in the Official Gazette No. 28 dated 13/10/2005 at page 684 is silent regarding the appointment of first Appellate Authority.

(xii) At Sr. No. 67 of the Municipal Administration, Additional Director of Municipal Administration and Assistant Accounts Officer are designated as PIO and APIO respectively and Director of Municipal Administration as the first Appellate Authority. On perusal of Official Gazette Sr. II No. 30 dated 27/10/2005 at page 778 though the order makes the reference to the Directorate of Municipal Administration, we do not find any official of the Directorate of Municipal Administration designated as PIO and APIO. Some of the discrepancies noticed are as under: -

Sr. No.	Information as furnished to the Commission	Information as notified in the Official Gazette
68	Suptd. as APIO	Asst. Engineer as APIO
69	Suptd. as APIO	Asst. Engineer as APIO
70	Accounts Taxation Officer as APIO	Municipal Engineer as APIO
71	The column in respect of APIO is left blank	Municipal Engineer as APIO
72	Head Clerk as APIO	Municipal Engineer Grade III as APIO
73	Head Clerk as APIO	Municipal Engineer, Grade II as APIO
74	Head Clerk as APIO	Jr. Engineer as APIO
75	Head Clerk as APIO	Municipal Engineer as APIO
76	Municipal Engineer as APIO	Jr. Engineer as APIO
79	Accountant as APIO	Municipal Engineer, Grade III as APIO

(xiii) At Sr. No. 50 the 3 officers are shown as PIOs for the entire Department such as 1) Under Secretary (Higher Education), 2) A.A.O. (Higher Education) and 3) Section Officer (Higher Education). Again Section Officer (H.E.) is shown as APIO for entire Department. However, the jurisdiction of each PIO is not specified.

(xiv) At Sr. No. 114, the PIOs and APIOs are shown as same officers. All the Asst. Director of Transport numbering 10 are appointed as PIOs and same Asst. Directors of Transport are designated as APIOs.

(xv) At Sr. No. 116 in respect of Water Resources Department, Dy. Director (Admn.) for entire Water Resources Department and Shri Alexander Rodrigues, Assistant Accounts Officer for entire Water Resources Department are shown as APIOs. There is no PIO's for this Department in respect of Administration matter.

(xvi) At Sr. No. 38, the details of the Official Gazette are given but on perusal of the Official Gazette Sr. II No. 29 dated 19/10/2006 at page 656, only the notification appointing the Director of Fisheries as first Appellate Authority has been published. We do not find the other notification designating PIO's and APIO's.

(xvii) At Sr. No. 136, Shri G. A. Pal, Executive Engineer for North Goa District is shown as PIO and Shri G. A. Pal, Housing Engineer is again shown as APIO for all offices pertaining to technical nature whereas in the notification published in the Official Gazette Sr. II No. 26 dated 10/8/2006 Housing Engineer is shown as the PIO.

(xviii) At Sr. No. 102 in respect of Social Welfare Department 3 APIOs have been designated for the entire department without specifying jurisdiction.



(xix) At Sr. No. 175 senior Accounts Officer has been shown as PIO for the North Goa District and Project Officer DRDA has been shown as APIO whereas in the notification published in the Official Gazette Sr. II No. 28 dated 12/10/2006 at page 641 Project Officer is shown as PIO.

(xx) At Sr. No. 174 and 175 the Official Gazette has been wrongly mentioned as 20/10/2005 instead of 12/10/2006.

(xxi) In respect of Sr. No. 98, the latest changes made vide Government notification published in the Official Gazette Sr. II No. 27, dated 6/10/2006 at page 614 are not incorporated thereby giving the wrong information.

(xxii) In respect of Sr. No. 4 pertaining to the Animal Husbandry, Dy. Director (Admn.) Head Officer, Dr. Salvador Vaz, Assistant Director Veterinary Hospital, Sonsode for Salcete, Cancona, Mormugao, Quepem and Sanguem Talukas and other are shown as APIOs whereas as per the Government Notification published in the Official Gazette Sr. II No. 25 dt. 21/9/2006 at page 535, Shri A. H. Raikar, Dy. Director (SLBP), Dy Director (Admn.), Smt. Shabari Manjrekar are shown as APIOs and Dr. B. Braganza, Dy. Director (Plan) as first Appellate Authority.

(xxiii) At Sr. No. 31 in respect of Directorate of Craftsman and Training 3 Officers are shown as APIOs for the entire State without specifying their jurisdiction.

(xxiv) At Sr. No. 168 the details of the Official Gazette are not specified though the notification is published in the Official Gazette. Sr II No. 21 dt. 24/8/2006 at page 442.

10. The Commission has taken the pain to verify, at random, the information furnished to the Commission by the Respondent No. 2 vis-à-vis the information notified in the Official Gazette as per the Gazette specified by the Respondent No. 2. The Commission has observed and pointed out various contradictions, false, incorrect and misleading information compiled by the Respondent no. 2.

11. The Commission has also observed in some of the cases, the Commission did not find the orders appointing the First Appellate Authorities. In some cases the details of the Official Gazette are not given as a result of which it was not possible to verify the information furnished was correct or not. The Respondent No. 2 has just in a casual manner without proper application of mind and even in that going through the earlier orders of the Commission compiled the information blindly which is not as per the information notified in the Official Gazette. On the contrary in the affidavit filed by the Respondent No. 2, the Respondent No. 2 has stated that the information was verified as published in the Official Gazette and correction were

undertaken which is not true. The Respondent No. 2 have also stated that wherever there are more than 1 PIO or APIO, their jurisdiction have been specified and correction have been carried out. Whereas the Commission has pointed out in the preceding paras some cases where there are more than one APIOs and their APIOs justification have not been specified. Hence, the Respondent No. 2 has made false statement on oath. Further, as regard the publication of booklet containing the list of APIOs, PIOs and First Appellate Authority and compilation of information as required by section 4 (1)(b) of the Act, the Respondent No. 2 states that the work was of illumination nature and it may take 3 months time. It is now more than 4 months and we hope that the compilation is ready.

12. From what has been discussed by the Commission it will be seen, that the Respondent No. 2 has made false statements on oath, thereby misled the Commission and the public at large. It is the duty of Respondent No. 2 being incharge of the Administrative Department in implementing the Act to ensure that correct information is made available to the public. On the contrary, the Respondent No. 2 has acted detrimental to the implementation of the Act. Section 26 of the Act lays down various steps, which need to be taken by the appropriate Government for implementing the provisions of the Act. We are afraid whether the Respondent No. 2 has taken any steps in those directions. The Respondent No. 2 has also not bothered to comply with the directions of the Commission inspite of the sufficient time given to the Respondent No. 2. We are, therefore, of the view that no purpose will be served by giving further direction to the Respondent No. 2 on the implementation of the Act. The Respondent No. 2 has acted detrimental to the implementation of the Act rather than taking steps for the implementation of the various provisions of the Act so as to achieve its objects. In our earlier order dated 23/08/2006 passed in this case, we have requested the Chief Secretary to monitor the implementation of the Act but not much has been done in this regard.

13. In view of what has been discussed in the preceding paras, the Commission would like to observe as follows: -

- a) That the Respondent No. 2 did not swear the affidavit properly.
- b) That the Respondent No. 2 did not comply with the directions of the Commission.
- c) That the Respondent No. 2 provided incomplete, vague and misleading information.
- d) That the Respondent No. 2 has made false statement in his affidavit dated 13/11/2006 stating that the information was verified as published in the Official Gazette and corrections were undertaken. In fact, the information has not been properly verified and contains number of mistakes.

- e) That the Respondent No. 2 has made false statement in the affidavit dated 13/11/2006 stating that wherever more than one PIO and APIO are appointed, their specific jurisdiction has been carried out whereas it is seen that in some cases there exists more than one PIO and more than one APIO but their jurisdiction have not been specified.
- f) That the Respondent No. 2 has provided contradictory information as pointed out by the Commission.
- g) That the Respondent No. 2 did not carry out the mistakes pointed out by the Commission in its earlier orders dated 26/6/2006 and 23/08/2006.
- h) That the Respondent No. 2 has carelessly and in just casual manner has compiled the information.
- i) That the Executive Magistrate before whom the affidavit was sworn by the Respondent No. 2 has also not applied his mind properly.

14. The Respondent No. 2 being the Ex-officio Joint Secretary to the Government as well as the Head of the Department was not expected to commit such a grave errors in compiling the information in careless manner. The Commission, therefore, has no hesitation to recommend that the disciplinary proceedings be initiated against the Respondent No. 2 for the reasons set out by the Commission in this order.

(G. G. Kambli)  
State Information Commissioner

(A. Venkataratnam)  
State Chief Information Commissioner