

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

Complaint No. 11/2007-08/Vig.

Dr. Mahadev Naik  
Veterinary Officer,  
R/o Estaves Appts.,  
Bhudem Bhat,  
Merces, Ilhas - Goa.

..... Complainant.

V/s.

The Public Information Officer,  
Shri Bosco George,  
Superintendent of Police,  
ACB/Vigilance,  
Directorate of Vigilance,  
Serra Building, Altinho,  
Panaji - Goa.

..... Opponent.

**CORAM:**

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

(Per G. G. Kambli)

Dated: 29/06/2007.

Complainant in person.

The authorized representative Shri Kurtarkar, Dy. SP. present for the  
Opponent.

**ORDER**

This is the complaint filed under Section 18 of the Right to Information Act, 2005 (hereinafter referred to as the Act) against the Opponent on 23/5/2007. The grievances of the Complainant are that the Complainant sought the information from the Opponent vide his application dated 1/2/2007 which was replied by the Opponent on 22/2/2007 stating that the inquiry is in progress therefore, information could not be provided. Subsequently, the Complainant by another application dated 23/4/2007 sought the information on three points. The said application of the Complainant was transferred by the Opponent to the Additional Director of Vigilance on 21/5/2007 almost after a month. The Complainant alleges that the Opponent has not acted diligently and violated the provision of Section 6(3) of the Act as the application ought to have been transferred within 5 days from the date of the receipt of the same.

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2. In reply, the Opponent submitted that when the application of the Complainant was received, the file was under submission to the Director of Vigilance/Secretary (Vigilance) and that he was expecting return of the file within 30 days so that he could provide the information to the Complainant. However, since the file was not returned, he transferred the application of the Complainant to the Additional Director of Vigilance on 21/5/2007.

3. After filing the present complaint before this Commission, the Complainant also filed an appeal before the first Appellate Authority on 24/5/2007 and the first Appellate Authority was pleased to direct the Opponent to provide the information to the Complainant. Accordingly, the Opponent provided the copies of the note of the Hon'ble Minister of Animal Husbandry and Veterinary Services, complaint made by Dattaram Naik and report of Police Inspector. The Complainant submits that the Opponent has provided incomplete information and that too not as per his request. The Complainant submits that he sought the certified copies of the documents whereas he has been provided only the Xerox copies without certifying the same.

4. The Opponent has stated that the original file was under submission to the Secretary (Vigilance) and higher authorities. According to the reply filed by the Opponent, original documents were submitted to the Additional Director of Vigilance on 1/3/2007 who in turn submitted the same to the Secretary (Vigilance) on 16/3/2007 for onward submission to the disciplinary authority and the said file has been not returned back. It is also seen from the reply filed by the Opponent that there are references to the final report dated 15/3/2007, additional report dated 15/3/2007 of the Police Inspector. Therefore, it is not understood how the reports dated 15/3/2007 have been sent to the disciplinary authority on 1/3/2007. Therefore, it implies these reports have been prepared after the submission of the file to the Additional Director of Vigilance. The Opponent has also clarified that since the original file was not available in the office it was not possible to differentiate from the office copy file whether they are original or only copies and therefore, only Xerox copies were supplied to the Complainant.

5. The Opponent has also stated that on inquiry with various offices, it has been revealed that the original files is lying with the Department of Animal Husbandry and Veterinary Services and that the Director of Animal

Husbandry and Veterinary Services has been asked to return the said file immediately and as soon as the file is received, the Complainant would be provided the certified copies of all the documents requested by him.

6. Sub-section (1) of Section 7 of the Act contemplates that the information has to be provided within 30 days from the date of the receipt of the request from the citizens. There is no provision in the Act for extending this period. Therefore, proper course which the Opponent could have followed was to call for the file on receipt of the request from the Complainant and provide the information to the Complainant. Similarly, the Additional Director of Vigilance has informed the Complainant vide letter dated 12/6/2007 that the file was submitted to the Secretary (Vigilance) on 16/3/2007. Therefore, the Additional Director of Vigilance could have also obtained the file and provided the information to the Complainant as the information has to be provided within the specified time limit laid down in Section 7(1) of the Act. Nonetheless since the file has now been traced and the Opponent has agreed to provide the certified copies of the documents to the Complainant, we direct the Opponent to obtain the file from the Director of Animal Husbandry and Veterinary Services and provide the certified copies of the documents to the Complainant within a week from the date of the receipt of this order and submit the compliance report to the Commission by 13<sup>th</sup> July, 2007. The complaint, therefore, stand disposed off accordingly. Inform the parties.

(G. G. Kamblı)  
State Information Commissioner

(A. Venkataratnam)  
State Chief Information Commissioner