

GOA INFORMATION COMMISSION

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

Complaint No. 22/2007-08/AHVS

Dr. Rosario Menezes
C/3, Sapana Enclave, Vaddem,
Vasco da Gama - Goa.

..... Complainant.

V/s.

1. The Public Information Officer,
The Deputy Director (Farms),
Directorate of Animal Husbandry & Veterinary Services,
Panaji - Goa.
2. The first Appellate Authority,
The Director,
Directorate of Animal Husbandry & Veterinary Services,
Panaji - Goa.

..... Opponents.

CORAM:

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

(Per G. G. Kambli)

Dated: 01/11/2007.

Complainant is represented by an authorized representative.

Adv. Harsha Naik for both the Opponents.

ORDER

The Complainant vide his application dated 22/12/2005 had sought information regarding the follow up of action taken by the Department pursuant to the statement made by the then Hon'ble Chief Minister on the floor of the House as per the news item. The Commission by its order dated 16/4/2007 passed in Appeal No. 86/2006 had directed the Opponent 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 the order.

2. In pursuance of the said order of this Commission, the Opponent No. 1 approached the Joint Secretary (Legislature) vide letter dated 25/4/2007 requesting to provide the copies of the proceedings in respect of the statement

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made by the Hon'ble Chief Minister. However, the Under Secretary of the Legislature Department informed the Opponent No. 1 that the Hon'ble Speaker has not agreed to furnish the proceedings of the Goa Legislative Assembly. The Complainant was thereafter informed accordingly by the Opponent No. 1 vide letter dated 8/5/2007. Subsequently, the Opponent No. 1 vide letter dated 28/6/2007 again informed the Complainant that the proceedings of the Goa Legislative Assembly are not printed and published and it may attract the breach of privilege of House under section 8(c) of the Right to Information Act and Rule 294 of the Rules of the Procedure and Conduct of the Goa Legislative Assembly. Having not satisfied with the said replies of the Opponent No. 1, the Complainant has filed present complaint.

3. It is to be noted that the Complainant is seeking the information based on the news item appeared in the daily newspaper Herald dated 14th August, 2002. The Opponents have pleaded ignorance about the said statement made by the then Hon'ble Chief Minister and submitted that they are not aware of any such statement. The entire case of the Complainant is based on the news item. It is settled principles of law that the news item is only a hearsay evidence. Being so, the existence of such statement is itself in dispute. The Complainant has not made available the said statement to the Opponent No. 1 inasmuch as the Opponent No. 1 has categorically stated that he was not aware of any such statement made by the then Hon'ble Chief Minister. The Legislature Department has not made available the copies of the proceedings to the Opponents and therefore, the Opponents are not in a position to initiate any action in the matter. This being the position, the Opponents cannot be held responsible for non-implementation of any such alleged statement. In these circumstances, we have no other option but to reject the complaint of the Complainant.

Pronounced in the open court on this 1st day of November, 2007.

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

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

/sf.

