

GOA STATE INFORMATION COMMISSION

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

Complaint No. 62/2006/GMC

Shri Jude L. Vaz
H. No. 254, Tariche Gallu,
Colvale, Bardez - Goa.

..... Complainant.

V/s.

1. The Chairman,
Goa Medical Council,
Faculty Block, G.M.C. Complex,
Bambolim – Goa.
2. The Registrar,
Goa Medical Council,
Faculty Block, G.M.C. Complex,
Bambolim – Goa.

..... Opponents.

CORAM :

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

(Per G. G. Kambli)

Dated: 04/05/2007.

Adv. Shri Ramchandra S. Sardessai for the Complainant.

Adv. R. S. Sardessai on behalf of the Opponents present.

ORDER

The Complainant alleges that the Opponents have not designated the Public Information Officer nor appointed the first Appellate Authority under the Right to Information Act, 2005 (for short the Act). The Complainant also alleged that he sought the information from the Opponents but the same has not been provided to him.

2. The notices were issued to the parties. The Opponents raised the preliminary objection stating that the complaint is not maintainable as the Opponents are not Public Authority as defined in the Act and therefore, the Opponents prayed that the complaint may be dismissed in limine.

3. The learned Advocate for the Complainant drew our attention to the various provisions of Section 3, 10, 13(d), 15(4), 26, 29 and 69 of the Goa Medical Council Act, 1991 and submitted that the Goa Medical Council is

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constituted under the said Act and the function of the Goa Medical Council is regulated and also controlled by the Government of Goa. He submitted that the Goa Medical Council Act is the law made by the Goa State Legislature and therefore, the Goa Medical Council falls within the definition of Public Authority under Section 2(h)(c) of the Act. He, therefore, submitted that the Complainant is entitled to the information under the Act.

4. Shri R. S. Sardessai, the learned Advocate for the Opponents did not press the preliminary objection and agreed to provide the information to the Complainant as sought by him. Accordingly, both the Opponents agreed to provide the information to the Complainant on 3/5/2007 at 1.30 p.m. Both the Complainant as well as the Opponents were asked to file compliance report on 4/5/2007 at 11.00 a.m. On 4/5/2007, the Complainant remained present. Both the Opponents alongwith their learned Advocate also remained present. The Opponent No. 1 filed the reply stating that the documents sought by the Complainant were furnished to the Complainant on 3/5/2007. The Complainant also made an endorsement on the said reply stating that he received all the documents as requested by him.

5. We direct the Opponent No. 1 to designate the Public Information Officer under Section 5 of the Act and also appoint the first Appellate Authority under Section 19(1) of the Act within 3 weeks from the date of the receipt of this order. The complaint stands dispose off with the above observations. Parties to be informed.

(G. G. Kampli)
State Information Commissioner

(A. Venkataratnam)
State Chief Information Commissioner