

THE GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.
CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.

Appeal No. 58/SIC/2015

Shri Sushant Ray,
C/o. H. W. Showroom/H. Fashions,
Shop-I, Raza Enclave,
Opp:Flyover Bridge, Sirvodem,
Navelim, Margao, Goa.Appellant

V/s.

1. Police Inspector/APIO,
Margao Town Police Station,
Margao, Goa.
2. Sub. Divisional Police Officer /
Public Information Officer (PIO),
Near Municipal Garden, Margao,Goa.
3. Superintendent of Police South Goa,
First Appellate Authority,
Near Municipal Garden, Margao- Goa. ...Respondent

Appeal filed on: 25/05/2015
Decided on:16/03/2017

ORDER

1. Appellant, Shri Sushant Ray herein by an application dated 13/03/2015 filed under section 6(1) of the RTI Act sought certain information from Public Information Officer (PIO), Inspector General of Police, Panjim-Goa on several points.
2. The said application was transferred to Respondent No. 2 PIO, Sub Divisional Police Officer Margao-Goa under section 6(3) of the Act on 19/03/2015.
3. The Respondent No. 2 PIO herein replied the same on 31/03/2015 interalia submitted that the information asked by the applicant is in the form of question and as such the same is not covered under the purview of section 2(f) of the Right To Information Act (for short the act).

4. Being not satisfied with the reply of Respondent No. 2 PIO , first appeal came to be filed before Superintendent of Police (South) Margao–Goa being the First Appellate Authority (FAA) on 13/04/2015. Respondent No. 3 FAA by an order dated 4/05/2015 upheld the reply of PIO and thereby directed Appellant to make the letter to Superintendent of Police, South to know the status of the Complaint.
5. Being aggrieved by the order of Respondent No. 3 FAA the present appeal came to be filed before this Commission under section 19(3) of RTI Act on 10/05/2015.
6. In pursuant to the notice the Appellant appeared in person. Respondent No. 2 PIO Shri Dinraj Govekar present alongwith Advocate Bhagat. Respondent No. 1 and Respondent No. 3 FAA opted to remain absent.
7. Reply came to be filed on behalf of Respondent No. 2 PIO on 2/06/2016 alongwith enclosures.
8. Written arguments were filed by the Appellant on 11/07/2016 and on 19/10/2016.
9. It is case of the Appellant that the PIO has denied information sought on flimsy grounds based on imputes from APIO/Margao Town Police Station. It is his further case that the information sought concerns life and liberty of Appellant and simply because the Appellant has preferred his queries in question form doesnot debarred him from receiving information under section 2(j) of RTI Act 2005. It is his further case that his complaint dated 3/07/2014 was not handled properly by showing favor to the accused. It is further contention that opinion and advise are covered under the definition under section 2(f) of RTI Act. It is further case that PIO has charged Rs. 2 for denying information. It is his further case that initially Margao Town Police Station had issued notice under section 149 CRPC on 13/09/2014 to accused Baskar T. Korgaonkar and Others and as such it is duty of Respondents to give clarification as to what made them to issue such notice and later on why matter was not pursued further.
10. In support of this contention he relied upon the rulings of Central Information Commissioner in case No. CIC/SS/A/2012/000395 dated 17/05/2012. "*S P Gupta V/s Minister*

of Home Affairs” and the decision of the Apex Court in special leave petition on (Civil) No. 34868 of 2009; KannapuramGhadia V/s Administrative Officer and Others.

11. Respondent during arguments also relied upon the ruling of the Honorable High Court of Bombay at Goa in writ petition No. 419 of 2007, *Dr. Celsa Pinto V/s Goa State Information Commission, in support of its contention.*
12. On going through the application filed under section 6(1) of the Act. The Appellant had sought information in respect of his Complaint dated 03/07/2014 filed by him before the Margao Town Police Station. He has sought information as under:-
 - a) As to why action was not taken against the accused.
 - b) Why investigation/action for matters relating to giving false information on oath were not taken,
 - c) As why Margao Town Police station assessed that there was no threats to his life from the accused and d) for inspection of the files.
13. Hon'ble Supreme Court in "***Central Board of Secondary Education and another V/s Aditya Bandopadhyay and Others (Civil Appeal No. 6454 of 2011)***", while dealing with the extent of information under the Act at para 35 has observed: *A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant.*
14. It is the Apex Court also heard in Peoples Union for Civil Liberties V/s Union of India AIR 2004 Supreme Court 1442 “ However under the provision of Act a Public Authority is having an obligation to provide such information which is **RECORDED AND STORED** but not the thinking process which transpired in the mind of authority which has passed an order”.

15. By applying the same ratio to the present appeal I find that the information is sought by the appellant is in the form of Opinion and queries and hence doesnot came within the purview of information. Hence, I find no irregularity of perversity in the reply of PIO or in the Order of FAA.
16. However on the perusal of the queries put forth by the Appellant in his application under section 6(1) of the Act is carefully analysed shows that the information seeker wants to know whether any action was taken on his Complaint. I feel the ends of justice will meet by following directions.

ORDER

- a) The PIO is hereby directed to furnish status report of his complaint dated 03/07/2014 filed by Appellant before the Margao Town Police Station.
- b) If the investigation pertaining to the said Complaint dated 03/07/2014 if concluded then PIO is hereby directed to give the inspection of the relevant file / documents to the Appellant.

The Appeal stands disposed accordingly

Notify the parties

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms. **Pratima K. Vernekar**)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

KK/-fn

