

GOA STATE INFORMATION COMMISSION

'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

**Shri Prashant S.P. Tendolkar, State Chief
Information Commissioner,**

Appeal No. 73/SCIC/2016

Shri Jawaharlal T. Shetye,
H. No.35/A, Ward No.11,
Khorlim Mapusa –Goa. Appellant

V/s

- 1) The Public Information Officer,
The Main Engineer –GR-I(Hussein Shah Muzawar)
Mapusa Municipal Council,
Mapusa –Goa.
- 2) The Public Information Officer,
Sub-Divisional Police Officer,
Mapusa Police Station,
Mapusa –Goa.
- 3) The First Appellate Authority,
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa. Respondents.

Filed on: 02/05/2016

Decided on: 26/07/2017

1)FACTS:

a) The appellant by his application dated 27/01/2016 filed u/s 6(1) of the Right to Information Act (Act for short) sought information on his 6 points. The PIO replied the same on 15/02/2016 furnishing the information, except on points (1) and (4) for which the appellant has grievance.

b) The appellant filed first appeal to First Appellate Authority (FAA) in respect of the said points(1) and (4) but the said appeal is not decided within time and hence appellant has approached this Commission in second appeal.

c) Notices were issued to parties pursuant to which they appeared. The PIO filed the reply to the appeal on 24/03/2017. The appellant by his undated memo, inwarded in the registry of this office under No.1601 on 13/07/2017 opted to remain absent.

B) FINDINGS

a) I have perused the records. The controversy herein is only pertaining to the information at points (1) and (4) of the appellants application, dated 27/01/2016.

At point (1) the appellant wanted to know as to action, if any, is taken on the letter dated 27/11/2015 made by Police Inspector (PI) Mapusa to Chief Officer, Mapusa Municipal Council. Said letter is enclosed by appellant alongwith his application. By said application the PI Mapusa Police station has requested the Chief officer to install the DVR and CCTV surveillance system at Police station premises.

The above point is answered by PIO that the said letter is replied that the cost would be too high and hence the same would be done at the time of relocation.

Thus I find that the said point is answered appropriately. There is no ambiguity or infirmity in information.

b) Regarding point (4) the appellant had sought details of criminal cases recorded and booked since time of inception of CCTV Cameras. The answer given is that the said information can be collected from Police station.

Here I find that the PIO should have been diligent to transfer said requirement of appellant to PIO of Mapusa Police station

u/s 6(3) of the Act. Being so I am in agreement with appellant regarding non furnishing of the said information at said point No.4.

c) Appellant has prayed for invocation of section 20(1) and 20(2) of the Act against PIO for furnishing vague information similarly has prayed for direction to FAA to dispose the first appeals as per the time scheduled under the act.

A perusal of the act does not provide for any penalty against PIO for failure for non invocation of section 6(3). Similarly in case of failure on the part of FAA, to dispose the first appeal within the time stipulated, the appellant can approach the Commission by second appeal.

d) In the above circumstances, though I am in agreement with appellant that the PIO has furnished vague information at point (4), that itself does not constitute a ground for imposition of penalty. I am also in agreement with appellant that the FAA has failed in his duties by not disposing the first appeal within time but that by itself has not caused any prejudice to the appellant.

e) In the aforesaid circumstances, the appeal has to be partly allowed which I hereby do with the following

O R D E R

The appeal is partly allowed. PIO Mapusa Municipal Council is hereby directed to transfer the information at point (4) of the appellants application, dated 27/01/2016, filed u/s 6(1) of the Act to PIO, Mapusa Police station, for furnishing the information thereto to the appellant.

The First Appellate Authority of Mapusa Municipal Council is hereby directed to diligently hear and dispose the first appeals filed before it as per the Act.

Rest of the prayers are dismissed.

Notify the parties.

Proceedings closed.

Pronounced in open proceedings.

Sd/-

(Mr. Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa