

BEFORE THE GOA STATE INFORMATION COMMISSION
Seventh Floor, Kamat Towers, Patto, Panaji, Goa.

Complaint No.33/SCIC/2016

Mrs. Joan Mascarenhas E D'Souza,
H. No.315/4, Tropa Vaddo,
Sodiem, Siolim, Goa.

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Complainant

V/s

1. **Public Information Officer**
Superintendent of Police (N),
Porvorim – Goa.

2. **The First Appellate Authority**
Inspector General of Police,
PHQ, Goa.

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Respondents

Filed On :20/05/2016

Disposed On : 25/04/2017

ORDER

- 1) This order deals with the question of maintainability of this complaint.
- 2) The Complainant herein has filed this complaint by referring to the order, dated 01/04/2016, passed by this Commission in second Appeal No.107/SIC/2011. According to the Complainant, by an order, dated 09/04/2010 in first Appeal No. 20/2010, annexed as Annexure D to this complaint, the First Appellate Authority (F.A.A.) has upheld the orders of PIO rejecting the application for information. In the later part of the order, the F.A.A. has issued directions to S.P. North to arrange the meeting between both factions and bind them for maintaining peace in the locality and to allow free access of Appellant to her property.
- 3) It is the contention of Complainant herein that in the said order, dated 01/04/2016 passed by this commission in second Appeal No.107/SIC/2011, this Commission has not dealt with

the said later part of the order and has prayed herein to direct the F.A.A. to revoke the said later half of the said order, dated 09/04/2010 of F.A.A.

It is in this background that the Complainant has filed this complaint u/s 18(f) of the Act.

- 4) As it was found that the issue of maintainability of this complaint is required to be decided as the reliefs as sought does not come under section 18 of the act, arguments were heard on behalf of the Complainant before issuing notice to the opposite party.
- 5) It is the contention of the Complainant that the F.A.A. while deciding the first appeal has upheld the order of PIO. According to her to allow or dismiss the appeal is within the power of the F.A.A. viz a viz the Act. However according to Complainant in the later part of the order the F.A.A. has directed the S.P. North to hold meeting and bind the parties. This part of the order is beyond the Act and hence she wants the same to be set aside in this complaint. The Complainant apprehends that the said part of the order can be misused against her any time in future for causing harassment.
- 6) Complaints are provided under the Act. If one extracts section (18) of the Act, which provides it reads :

“18. Powers and function of Information Commissions.

(1) Subject to the provision of this Act, it shall be the duty of the Central Information Commission or a State Information Commission, as the case may be, to receive and inquire into complaint from **any person---**

(a) who has been **unable to submit a request** to a Central Public Information Officer or State Public Information Officer, as the

case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior office specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

(b) who has been **refused access** to any information requested under this Act;

(c) who has **not been given a response to request** for information or access to information within the time limit specified under this Act;

(d) who **has been required to pay an amount of fee which he or she considers unreasonable**;

(e) who believes that he **has been given incomplete, misleading or false information** under this Act; and

(f) in respect of **any other matter relating to requesting or obtaining access** to records under this Act.

7) Thus from the above a complaint can be entertained only in above situation. The situation as raised herein i.e. modification of the order of this Commission is not covered under any of the sub clauses under the said section (18).Section 18(1)(f) provides for a complaint in respect of any matters relating to request or obtaining the access. The same does not grants jurisdiction in respect of orders passed by the commission.

8) Considering the above I am of the view that the relief as it sought by Complainant being beyond the scope of sections(18) of the act, the same cannot be entertained as a complaint. Consequently I hold that the present complaint is

not maintainable.

In the result the present complaint is dismissed. However the Complainant is free to seek such relief by filing appropriate application as per law, if she wish so.

Proceedings closed. Notify the Complainant.

Sd/-
(Shri Prashant S. P. Tendolkar)
State Chief Information Commissioner,
Goa State Information Commission,
Panaji, Goa