

GOA STATE INFORMATION COMMISSION
Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 19/SIC/2014

Shri Premanand J. Kauthankar,
H. No. 113, Vijaynagar Colony,
Kodal Karapur, Sanquelim-Goa
V/s.

.....Appellant.

1. Public Information Officer,
Shri A. K. Gawas,
Superintendent of Police, Police Head Quarters, Panaji-Goa.
 2. Public Information Officer, Shri Brahm Singh,
Superintendent of Police (SPCR), Police Head Quarters, Panaji-Goa.
 3. Public Information Officer, Superintendent of
Police (North), Porvorim-Goa.
 4. Public Information Officer, Shri A. K. Gawas,
Superintendent of Police, (Motor Transport), Police Head Quarters,
Panaji-Goa.
 5. Public Information Officer,
Superintendent of Police (Wireless) Panaji-Goa.
 6. Public Information Officer,
Shri A. V. Deshpande,
Superintendent of Police,
Principal, Police Training School, Valpoi, Sattari-Goa.
 7. Public Information Officer,
Shri E. D. Gaude,
Deputy Superintendent of Police (Wireless), Panaji-Goa.
 8. First Appellate Authority,
Deputy Inspector General of Police (intelligence),
Panaji-Goa.
 9. First Appellate Authority,
Deputy Inspector General of Police, PHQ,
Panaji-Goa
- Respondents

CORAM: Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 10/02/2014

Decided on: 09/03/2018

ORDER

1. The brief facts leading to present appeal are that the appellant Shri Premanand Kauthankar, by his application, dated 08/08/2013, filed u/s 6(1) of The Right to Information Act,

2005 sought certain information on 39 points pertaining to one Krupasagar M. Maralkar, PSI (Radio Mechanic), PTS, Valpoi from Respondent No. 1, PIO, Office of Superintendent of Police Head Quarters, Panajim, Goa.

2. The said application was responded by Respondent No. 1 herein on 5/9/2013. Wherein the information at point No. 7,8,11,13,14,15,16,17,19,20,22,23,24,25,26 and 39 were provided and in respect of point no. 1, 2, 3, 4, 5, 9, 10, 12, 18, 21,27,28,29,30,31,32,33,35,35,36,37 were transferred u/s 6(3) to the Respondent No. 2 PIOs of SPCR, Respondent nO. 3 Superintendent of Police (North) Porvorim and to Respondent no. 6 Superintendent of Police, PTS Valpoi, Sattari, Goa respectively with the request to furnish the information on above points . With respect to information at point nO.38 the Respondent no. 1 transferred the same u/s 6(3) to the PIO of information officer (ADVT) and with regards to point no. 11 the same was transferred to the Respondent No. 4 PIO of Superintendent of Police (Motor Transport).
3. The Respondent No. 6/PIO of PTS Valpoi, vide their letter dated 13/9/2013 informed appellant that since the information asked is voluminous , they requires more time for searching the specific records. vide letter dated 23/10/2013 the PIO again informed him that the information kept ready and the appellant may collect it after paying a amount of Rs. 726/- as a fees towards supply of the documents .
4. The respondent no.7 /PIO of wireless by his letter dated 30/9/2013 provided him the information at point no. 10, 27 and 27(b) and vide letter dated 12/11/2013 provided appellant clarification/information on certain points.
5. Being not satisfied with the reply of the Respondents the appellant approached the Respondent no. 8 the first appellate

authority Dy. Inspector of general of Police (Intelligence) and Respondent no.9 Dy. Inspector of the Police PHQ Panaji Goa.

6. The respondent no. 8 First appellate authority by an order dated 28/10/2013 directed respondent No. 5 to provide information at point No. 14 and also directed to give the inspection of files pertaining to wireless.
7. Respondent no. 9 First appellate authority by an order dated 5/11/2013, directed Respondent no.6 to furnish the information to the appellant free of cost and the Respondent No. 1 and Respondent No. 6 were directed to provide inspection of the files free of cost to the appellant .
8. According to the Appellant Respondent No. 6 delayed in furnishing the information and has provided him incomplete and incorrect information vide letter dated 22/11/2013.
9. Being aggrieved by the action of the Respondent No.1 and respondent No. 6 of having failed in providing information and inspection of the files/documents as per the application dated 8/8/2013 , the appellant approached this commission in the present second appeal on 10/2/2014 thereby seeking direction as against Respondents of furnishing him full and correct information and for other relief
10. The notices were issued to both the parties. In pursuant to which the Respondent no.1 to 5 was represented by Advocate K. L. Bhagat. Respondent No.6 was represented by Sadanand Gawas, Respondent No. 7 was represented by M.R. Karbotkar and respondent No. 8 and 9 was represented by Siddesh Walke. Appellant opted to remain absent despite of due service of notice
11. Reply filed by Respondent no.1 on 4/1/2017, respondent no. 2 on 13/2/2018 Respondent No. 3 on 29/10/14 Respondent no. 4 on 13/10/2015 Respondent no.5 on 13/12/2017 Respondent no.

6 on 28/6/2017 Respondent no.7 on 13/12/2017 and Respondent no.8 and 9 on 13/12/2017 respectively.

12. The Respondent No. 1 PIO of the Police Head Quarters, Panajim, Goa, vide his reply dated 4/1/2017 contended that with respect to information sought pertaining to their office, he had sought the assistance of APIO (Administration Branch) and after receipt of the information, he informed the appellant to collect the information vide letter dated 5/9/2013, it was contended that the said application was also transferred to the PIO of the other sections of their Department. It is contended that information at point no. 7, 8, 13, 14, 15, 16, 17, 19, 20, 22, 23, 24,25,26, have been furnished by them to the appellant.
13. The respondent no. 2 PIO of SPCR Head Quarters, vide his reply dated 6/2/2018, have contended that non of the 39 points of the said application were pertaining to SPCR as such the said application was transferred to the Respondent no. 5 PIO of (SP wireless).
14. The Respondent No. 3 PIO of SP(North) vide his reply dated 29/10/2014 have contended that vide their letter dated 3/9/2013 the appellant was directed to collect the information after payment of Rs. 18/- towards the documents charges but till date the appellant have not collected the same. The Respondent No. 3 have contended that the information at point no. 12,18,25 and 29 is available in their office records and as such it can be provided. He contended that besides the above information there is no other information available in their records.
15. Respondent No. 4, the PIO of Police Head Quarters (Motor Transport) vide his reply dated 13/10/2016 contended that they have checked the records of section and it was found that no official vehicle is allotted to Shri Krupasagar Maralkar, therefore for the said application was further transferred to

PIO of PTS vide letter dated 18/9/2013 under intimation to appellant.

16. Respondent No.5 PIO of Superintendent Police (Wireless) and Respondent no. 7 PIO Dy. Superintendent of Police (wireless) contended that complete and correct information at point NO. 10..27 and 27(b) was furnished to the appellant vide letter dated 7/10/2013 and appellant has collected the information on the same day and vide letter dated 30/9/2013 the appellant was further informed to carry out the inspection of the document from the personal file maintained in wireless section. He was also called upon to collect the same information after payment of Rs. 730/- .
17. The Respondent No. 6 PIO of Police Training School, vide reply dated 28/6/2017 have contended that the appellant had collected the information on 10/12/2013 and conducted he inspection on 16/12/2016. It is further contended that point wise information is also provided on 23/10/2013 and the appellant has received the 341 copies of the documents 10/12/2013.
18. Respondent No. 8 and 9 first appellate authorities filed their respective reply on 13/12/2017 interalia submitting that they have disposed the said appeal within time limit.
19. All the above respondents also enclosed all the relevant documents in support of its case .
20. On scrutiny of the records it could be gathered that the Respondent No.1 provided the information at point no. 7, 8,12 (partly), 13, 14, 15,16,17,19,20, 22,23,24,25,26 and 39.
21. The information at point no. 12,18,25and 29 which is available with Respondent No.3 have not been collected by the appellant.

22. The Respondent No. 7 have provided the information at point no. 10,27 and 27(b) of the application of the appellant.
23. Respondent No. 6 have provided the information at point no. 1,3,4,5,9,10,27,28,29,and 33 and have contended that information at point NO.6,7,8,21,30,31,32,34,35,,36,37,38 and 39 is not available with them.
24. In the nutshell, from the records it could be gathered that the information except at point no. 2,6,21,30,31,32,34,35,36,37 was furnished to the appellant.
25. The PIO is duty bound to furnish the information as available in the office records and cannot create the information. All the Respondents have catagorily submitted that available information have been furnished to the appellant and as such the other information since it is not available with the Respondents cannot be directed to be provided. This observation of mine is based on the ratio laid down by the Apex Court, in case of in civil Appeal No. 6454 of 2011 Central Board of Secondary Education V/s Aditya Bandhopadhaya.
26. Since appellant opted to remain absent throughout the proceedings no any clarification with respect to information furnished to him could be obtained. It appears that appellant is not interested in the proceedings as such he did not produce cogent, sufficient and convincing evidence on record for invoking penal provisions nor produced on record any evidence substantiating that incomplete and incorrect information was provided to him by Respondents.
27. From the records it reveals that the Respondents were diligent in their duties under the RTI and has responded within a stipulated time and even offered to provide available information to the appellant . As such I am of the opinion the

facts of the present case does not warrant the levy of the penalty on the Respondent.

28. In the above given circumstances I feel ends of justice will meet with following order

ORDER

1. Appeal partly allowed.
2. The Respondent No. 3 PIO of Superintendent of Police(North) is hereby directed to calculate the amount of the fees towards the available information and intimate the same to the appellant within 5 days of the receipt of the order and thereafter to provide the available information to the appellant within 15 days after the due payment of the fees are made by the appellant towards the information.

With the above directions, the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

Authenticated copies of the Order should be given to the parties free of cost.

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.

Sd/-

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

Ak/-