

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No: 243/2018/SIC-II

Shri Panglo Ganesh Bhagat,
H.No.227, Assali, Sristhal,
Canacona –Goa.

..... Appellant

v/s

- 1.Public Information Officer,
Sub-Divisional Police Officer,
Quepem - Goa.
- 2.First Appellate Authority,
A.K. Gawas, IPS,
The Superintendent of Police (South)
Margao – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 27-06-2019

Date of Decision : 27-06-2019

O R D E R

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 24/08/2018, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, Office of Police Inspector, Canacona-Goa. The information sought is at 9 points and it is seen that the Appellant *inter alia* is seeking information in question form by asking questions such as 'what', 'whether', 'how' and 'when' etc and which does not come under purview of section 2(f) of the RTI Act, 2005.
2. The Appellant has sought information viz 1) What Action Canacona Police have taken against Mr. Dattaraj Malshi regarding forcibly taking away "Garvoi Purush" (Idols of Goa) of Assali Sristhal Canacona Goa. 2) Whether Canacona Police have obtained Court order from the competent court to assist/support Mr. Dattaraj Malshi to forcibly take away Garvoi Purush (Idols of God). 3) How many police personals were accompanying the above persons to forcibly taking away the Idols. Give the names of police persons and Buckle Number of the same who accompanied above persons to forcibly take away the Idols. ...2

3. 4) When police complaint against these people was filed on what date. On what date Canacona Police received the same. 5) What is its inward Number and date when it was received by Canacona Police. 6) Is it true that Office of District Magistrate vide No.39/15/2000-MAG/IV/1665 dated 02/02/2018 asked the Superintendent of Police South Goa, Margao and Canacona Police to inquire from Canacona Police to inquire and take appropriate action in the matter. 7) Give a copy inquiry report and action taken on the subject by Canacona Police. 8) Whether the Canacona Police have taken cognizance that Complainant is scheduled tribe person and he has asked the police to take action as per Atrocities Act 1989. 9) Presently where this (Garvoi Purush Idols) are lying and under whose custody and since when.
4. It is seen that PIO vide reply No.SDPO/QPM/RTI-F/364/2018 dated 31/08/2018 has furnished information on all 9 points in tabulation form. At point No. 1) the PIO informed that as per information furnished by PI Canacona PS, no action has been taken against Mr. Dattaraj Malshi as no offence was made out. In point No.2) the PIO stated as per information furnished by PI Canacona PS, no police personnel were deputed to assist Mr. Dattaraj Malshi for any purpose and in point No.3) it was informed that as per information furnished by PI Canacona PS, no police personnel were accompanying to Mr. Dattaraj Malshi. However PCR Van Robot-71 was kept in the vicinity of Shree Mallikarjun Devasthan due to potential breach of peace near the Mallikarjun temple on the eve of Annual religious rituals. At point No. 4) the PIO informed that as per information furnished by PI Canacona PS, the complaint filed against Mr. Dattaraj Malshi, Mr. Abhishek Malshi, Mr. Sourabh Gayak r/o Shristhal Canacona for forcibly taken Gorvoi Purush (Idols of God) of Assali Shristhal, under section 3 in scheduled Atrocities act, 1989 amended dated 26/01/2016 is bearing date 06/01/2018 and same is received by Canacona police station on 10/01/2018. ..3

5. At point No.5) the appellant was informed that a) The complaint addressed to Police Inspector, Canacona Police Station, inward No. LA-18/2018 dated 10/01/2018. b) The complaint addressed to Police Inspector, Canacona Police Station routed through I/S petition cell, for Superintendent of Police, Legal/vig, PHQ Panaji Goa -The Superintendent of Police, South Goa Margao Sub Divisional Police Officer, Quepem- Canacona Police Station vide inward No. SA-30/2018 dated 15/01/2018 and the complaint addressed to Police Inspector, Canacona Police Station routed through Addl. District Magistrate, South Goa Margao- The Superintendent of Police, South Goa Margao Sub Divisional Police Officer, Quepem- Canacona Police Station vide inward No. SA-570/2018 dated 12/02/2018.
6. In point No.6) and point no 7), the PIO has enclosed the information furnished by PI Canacona PS which is a (Copy of letter No. 39/15/2000-MAG/IV/1666 dated 02/02/2018) and copy of inquiry report. At point No. 8), the PIO informed as per the information furnished by PI Canacona PS, the enquiry did not reveal any offence under section 3 in the SC and ST (prevention of Atrocities) Act, 1989 Amended dated 26/01/2016 as mentioned by complainant in his complaint and finally at point no 9) the PIO informed the appellant that as per information furnished by PI Canacona PS, Information not available at Canacona Police Station.
7. Not satisfied with the reply, the Appellant filed a First Appeal dated 24/08/2018 and First Appellate Authority(FAA) vide order dated 24/09/2018 disposed off the said first Appeal by upholding the information furnished by the PIO. Being aggrieved the Appellant has subsequently approached the Commission by way of Second Appeal registered on 08/10/2018 and has prayed that the appeal be allowed and necessary directions be issued to the First Appellate Authority.

8. **HEARING:** This matter has come up before the Commission on four previous occasions and is thus taken for final disposal. During the hearing the Appellant Shri. Panglo Ganesh Bhagat is present along with Shri Dinesh G. Bhagat, Shri Shanu Deu Gaonkar and Shri Mollu Shalu. The Respondent PIO and FAA both are represented by Shri. Sudhesh Narvekar, Police Inspector, Canacona.
9. **SUBMISSIONS:** At the outset representative for the Appellant Shri Dinesh G. Bhagat submits that information furnished is incorrect and prays that directions be issued to FAA and PIO to furnish complete and correct information. He further submits that action should be taken by the police pertaining to a Complaint dated 06/01/2018.
10. Shri. Sudhesh Narvekar, Police Inspector, Canacona submits that after receiving the RTI Application, the PIO has furnished information as was available in tabulation form on all 9 point vide reply no SDPO/QPM/RTI-F/364/2018 dated 31/08/2018. It is further submitted as regards query of the Appellant about action taken on Complaint dated 06/01/2018, the same was furnished at point No.1 by stating that no action was taken against Mr. Dattaraj Malshi as no offence was made out.
11. Shri. Sudhesh Narvekar, Police Inspector, Canacona also submits information sought by the Appellant was in question form and although PIO is not called upon to answer the questions, yet the information was furnished to the Appellant and requests the Commission to accordingly dispose the case.
12. **FINDINGS:** The Commission after perusing the material on record and after hearing the respective parties at the outset indeed finds that although Appellant had sought information in question form by asking questions such as 'what', 'whether', 'how' and 'when' for and which PIO is not called upon to answer, yet the PIO has furnished and answered all the questions in his reply dated 31/08/2018 in tabulation form at all 9 points.

13. The Commission further finds that the Appellant had also filed a First Appeal on 24/08/2018 and the First Appellate Authority vide order no SP/S-GOA/Reader/RTI/Appeal no 27/1912/2018 dated 24/09/2018 has upheld the reply of the PIO.

14. **DECISION:** As stipulated in the RTI Act, the role of the PIO is to provide information as is available from the records. The PIO is not called upon to create information or do calculation or research or to analyze information and then furnish it so as to satisfy the whims and fancies of the Appellant. The very fact that the PIO has furnished information at all 9 points, it proves the bonafide and that there are no malafide intentions on part of the PIO to either deny or conceal information.

No further intervention is required with the order of First Appellate Authority which is a correct and justifiable order. As the required information has been furnished, nothing further survives in the appeal case which accordingly stands disposed.

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner