

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Appeal No. 246/2018/CIC**

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

V/s

- 1)The Public Information Officer,  
Sub-Divisional Police Officer,  
Mapusa Police Station,  
Mapusa –Goa. 403507.
- 2)The First Appellate Authority,  
Superintendent of Police (N)  
Police Head Quarters,  
Alto Porvorim-Goa. .... Respondents.

Filed on : 19/10/2018

Disposed on:03/05/2019

## **1) FACTS IN BRIEF:**

a) The appellant herein by his application, dated 19/07/2018 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought information from the Respondent No.1, PIO under several points therein. Information as sought was in respect of his petition dated 28/06/2018 to Chief Minister of Goa alongwith office of Superintendent of Police North and Mapusa Police Station in respect of Complaints dated 29/05/2015, 29/02/2016 and 14/06/2017 against one Mr Ryan Braganza.

b) The said application was decided on 15/08/2018. However according to appellant he was not satisfied with the

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information as furnished and hence the appellant filed first appeal to the respondent No.2, being the First Appellate Authority (FAA).

c) According to appellant the FAA by order, dated 11/09/2018, allowed the said appeal and directed PIO to furnish the information viz the date and letter number which was forwarded by PI Mapusa to the administrator.

d) The appellant has landed before this commission in this second appeal u/s 19(3) of the act on the ground that he is being not satisfied with the order of FAA.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 11/12/2018 filed reply to the appeal.

f) Vide his said reply it is the contention of PIO that vide reply dated 15/08/2018 the required information was furnished. However the FAA further directed PIO to furnish the details of letter sent by PI Mapusa to the Administrator of Comunidade North Mapusa, which was provided.

To the contention of appellant that the letter number and date, which was forwarded by P.I. Mapusa is not in accordance with the subject matter, the PIO has stated that the petition dated 28/06/2018 is a reminder letter to the complaints filed by appellant dated 29/05/2015, 29/02/2016 and 14/06/2017 and thus the information is correctly provided. The PIO has reproduced the contents of his response u/s 7(1) of the act.

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## **2) FINDINGS**

a) On perusal of the said response dated 15/08/2019 u/s 7(1) of the act, it seen that in respect of point (1) and (2) regarding action taken report, it is informed that a letter is sent by PI Mapusa to Administrator.

The details of this letter are furnished to appellant after order of FAA. In respect of point (3) it is informed that the status of the complaint is that the PI Mapusa has sent letter to Administrator.

In respect of said point (4) the name of the person who is entrusted with the work of processing the appellant's application is furnished. The date of summoning Mr. Ryan Braganza to police station for inquiry is furnished at point (5).

In respect of information at points (6) and (7) the same was not furnished as no statements were found recorded and no copies of old school records which were sought were available.

b) Considering the said response, it is found that the information at points (1) to (5) is furnished. In respect of information at points (6) and (7) as it was not furnished to due non availability, in exercise of the powers granted u/rule 5(1) of the Goa State Information Commission Appeal Procedure Rules 2006, the PIO was directed to file affidavit in support of non availability.

c) Accordingly on 16/04/2019, the PIO Shri Gajanan V. Prabu Desai, filed his affidavit. Vide said affidavit, PIO has affirmed that no statement of Shri Ryan Branganza was recorded at Mapusa Police Station and that the copies of old School records are not available in the Police Station.

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d) The appellant failed to appear before the Commission from 12/03/2019. The appellant has not controverted the averments of PIO in the affidavit. The appellant has not filed any evidence/records to disbelieve the said affidavit I also do not find any grounds to discard the said affidavit to hold that the information as sought at points (6) and (7) exist.

e) The ratio as laid down by Hon'ble Supreme Court in the case of *Central Board of Secondary Education V/s Aditya Bandopadhyay (Civil Appeal No.6454 of 2011)* relevant portion reads:

**“35.** *At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such no available information and then furnish it to an applicant. A public authority is also not required to furnish*

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*information which require drawing of inferences and/or making of assumptions.”*

f) Applying the above ratio of the Hon'ble Supreme Court to the case in hand I find that ordering the information which does not exist, would be redundant.

g) In the above circumstances I find that the information as was available is duly furnished and the one which has remained to be furnished does not exist with the respondent PIO. I therefore find no grounds to grant the relief as prayed. The appeal is therefore disposed by following:

**O R D E R**

The appeal is dismissed.

Order to be communicated to the parties.

Proceedings closed.

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