

GOA STATE INFORMATION COMMISSION

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Appeal No. 103/2021/SCIC

Mr. Gregory D'Monte,
G-01, Harbans Vihar Society,
Old Goa By Pass, Kadamba Plateau,
Village Chimbhel, Tiswadi,
Ribandar, Goa 403006.

.....Appellant

V/S

1. The Public Information Officer,
Office of the Sub-Divisional Police Officer,
Panaji-Goa.

2. The Superintendent of Police,
The First Appellate Authority,
North Goa, Porvorim Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 29/04/2021
Decided on: 24/03/2022

FACTS IN BRIEF

1. The Appellant, Mr. Gregory D'Monte, r/o G-01, Harban Vihar Society, Old Goa By Pass, Kadamba Plateau, Chimbhel, Tiswadi Goa by his application dated 18/11/2020, filed under sec 6(1) of Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO) of the Sub-Divisional Police Officer, Goa Police at Panaji Goa.
2. The said application was replied by the PIO on 15/12/2020 in the following manner:-

Sr. No.	Question	Answer
1.	a. Complaint dated 02/12/2019, addressed to the "Dist Collector North Goa".	The information sought by the applicant is Not Available at Old Goa Police Station.
	b. Follow up complaint dated	The information sought by

	02/09/2020, addressed to "Joint Executive Magistrate-III Tiswadi Taluka Panaji Goa.	the applicant is Not Available at Old Goa Police Station.
2	Action taken on complaint dated 20/12/2019 registered by the complainant/Applicant with Old Goa Police Station pertaining to the sub matter of Nuisance.	After conducting enquiry the said complaint dated 20/12/2019 has been filed for records.
3.	The details of enquiry conducted i.e date, time, name of persons questioned, along with Police case diary entries.	The information sought by the applicant is Not Available. However the copy of the enquiry report is enclosed herewith as Annexure-A
4	Date and time of visit of Police to the society to enquiries in the nuisance.	The information sought by the applicant is Not Available.
5.	Was the society complaint register, scrutinized by the Police. If so details may be provided.	The information sought by the applicant is Not Available.
6.	Was CCTV footage of the society cameras and the complainants CCTV footage examined. If so details of date, time of enquiry/examination may please be provided.	The information sought by the applicant is Not Available.
7.	The sub complaint/Notice if the case for enquiry is against three opponents. Have all the three persons been questioned, and if so details of date, time and police case diaries may be shared.	The information sought by the applicant is Not Available.

8.	Was the complainant questioned, if so details may please be shared.	The information sought by the applicant is Not Available.
9.	Action taken and police case diary entries of complaint registered on Goa Police Emergency Nos. 100/112 on 25/07/2020 approx. 22:15 hrs may please be provided.	The information sought by the applicant is Not Available.
10.	Action taken on a record complaint filed by residents of J-02 of the same society dated 26/09/2020 by email to DGP/SP & PI of Old Goa Police Station may please be provided.	The said complaint dated 26/09/2020 is presently under enquiry.

3. Not satisfied with the reply of PIO, the Appellant filed first appeal before the Superintendent of Police (North), Porvorim Goa being the First Appellate Authority (FAA).
4. The FAA by its order dated 19/02/2021 partly allowed the first appeal. Being aggrieved with the order of FAA, the Appellant landed before the Commission by this second appeal under section 19(3) of the Act, with the prayer to quash and set aside the reply of PIO, order of FAA dated 19/02/2021 and compliance report dated 19/02/2021.
5. Parties were notified, pursuant to which the APIO, Police Inspector of Old Goa Police Station, Krishna P. Sinari appeared and filed his reply on behalf of PIO, the FAA duly served, opted not to appear and file his reply in the matter.
6. Perused the pleadings, reply of the PIO and scrutinised the documents on record.
7. The grievance of the Appellant that, he is residing in a housing Co-operative Society by name Harbans Vihar Society situated at

Kadamba Plateau, Old Goa by pass, Chimbel and a few families in the society are feeding stray dogs and unleashing of pet dogs in the gated society which has lead to grave fear and discomfort to the residents and therefore he filed various representation before the District Collector, North Goa, Executive Magistrate of Tiswadi, Old Goa Police Station etc. However no action have been taken by any authorities and nuisance of stray dogs still exist in the society and Police authorities closed the said matter without conducting an enquiry and therefore he sought information from the PIO regarding the inquiry and action taken on his representation.

8. The FAA vide order dated 19/02/2021, partly allowed the appeal and directed the PIO to provide the information on point No.2 and point No. 10, the station diary extract of Old Goa Police Station for the day 25/07/2020 pertaining to call made on 100/112 emergency number at around 22:14 hrs, free of cost within 10 days and also to transfer the RTI application under section 6(3) of the Act to the PIO of the Office of Collector North Goa at Panaji and SPCR Panaji Head Quarters at Panaji.

The PIO by letter No. SDPO/PAN/RTI/97/2021 dated 02/03/2021 has complied the order of FAA and furnished the available information to the Appellant free of cost and also transferred the part of application to the other PIO on 25/02/2021. The same was duly informed to Appellant on 03/03/2021 which is acknowledged by him.

9. According to PIO, the information sought by the Appellant at point No. **1** is in respect of copy of complaint addressed to District Collector, North Goa and copy of complaint addressed to the Joint Executive Magistrate-III, Tiswadi Taluka, Panaji Goa and since said information is not available in the records of Old Goa Police Station, the same is replied as not available at Old Goa Police Station. Upon

the direction of FAA, the part of application was transferred u/s 6(3) of the Act to PIO of the Office of Collector, North Goa, at Panaji.

10. As regards to information on point No. **2** and **3**, the PIO replied that, after conducting inquiry, the said complaint dated 20/12/2019 has been filed as no offence is made out into the said complaint and to substantiate the same he clarified that during the enquiry he issued a letter to Incharge of Performing Animal Welfare Society (PAWS) at St.Inez, Panaji Goa regarding menace of the stray dogs moving in the vicinity of Harbans Vihar Society, Kadamba Plateau, Old Goa by pass, Chimbel Goa and requested to take necessary action. A letter was also made to the Chairman of Harbans Vihar Society, Kadamba Plateau, Old Goa by pass, Chimbel Goa requesting to take necessary action in respect of stray dogs.
11. As far as information on point No. **4** is concerned, PIO submitted that, Police Inspector of Old Goa Police Station, Shri. Krishna Sinary conducted the enquiry of the said complaint and since no offence is made out he closed the matter and all complaints have been filed and accordingly the copy of enquiry report has been furnished to Appellant. Other than inquiry report , no other information is available in the records of Old Goa Police Station.
12. As regards to information on point No. **5,6,7** and **8** the PIO replied that the information sought by the Appellant is not available.
13. As regards to information at point No. **9**, the PIO submitted that Old Goa Police Station has received phone call from PCR Panaji for need of police help near Sai Baba Temple, accordingly HP-05 has diverted at the spot. The staff of HP-05 vehicle attended the emergency call and reported the details of the call to State Police

Control Room (SPCR) Panaji. Further the PIO of SPCR by letter No. DYSP/SPCR/PAN/RTI-09/44/2021 dated 01/03/2021 provided the certified copy of Atomic Event Report ID No. 41683 showing details of call received from the mobile number of the Appellant at 22:37 hours on 25/07/2020 at ERSS-112 helpline at SPCR Panaji.

14. From the above it is clear that, PIO has furnished all the available information to the Appellant. Section 2(f) of the Act defines 'information' as which is available in a material form, therefore information can be something that is available in official records. The PIO can only facilitate in providing information to the Appellant in case the same is available with the public authority in material form. The Appellant cannot claim right to obtain explanation from PIO of discharge of his duties under the Act.

In the present case, PIO has furnished the copy of enquiry report, wherein the APIO of Old Goa Police Station has taken the decision to close the matter as no offence is made out of the complaint of Appellant. The PIO further cannot justify or provide the reasons for decision taken by Police Inspector and it is clearly outside the purview of PIO under the Act. This can be matter for agitation before the concerned authority and not under this forum.

15. Under section 7(1) of the Act, the PIO is required to dispose the request of the applicant within 30 days. In the instant case, the PIO has replied to the RTI application on 15/12/2020 i.e within the stipulated time.
16. In the aforesaid circumstances, the PIO has complied the order of FAA and available information has been furnished to the Appellant free of cost and remaining part cannot be ordered to be furnished since the same is not available.

Therefore, I find the appeal is devoid of any merit and hence dismissed.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner