

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 82/2022/SIC

Shri. Vilas Vishwanath Naik,
H.No. 133 (3) Nachnolwada,
Advalpal Post,
Assonora-Goa 403503.

-----Appellant

v/s

1. The Public Information Officer,
Shri. Santosh S. Dessai,
Sub-Divisional Police Officer,
Panaji -Goa.

2. The Public Information Officer,
Shri. Sandesh T. Chodankar,
Sub-Divisional Police Officer,
Bicholim-Goa.

3. The Public Information Officer,
Shri. Uday N. Parab,
Sub-Divisional Police Officer,
Mapusa -Goa.

4. The Public Information Officer,
Shri. Shaikh M. Salim,
Sub-Divisional Police Officer,
Pernem -Goa.

5. The Public Information Officer,
Shri. Edwin M.S. Colaco,
Sub-Divisional Police Officer,
Porvorim-Goa.

6. The First Appellate Authority,
Shri. Shobit Saksena, IPS,
Superintendent of Police (North),
Porvorim-Goa 403521.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 26/11/2021
Application transferred on	: 30/11/2021
PIO replied on	: 26/12/2021,25/12/2021,24/12/2021,24/12/2021
First appeal filed on	: 06/01/2022
First Appellate Authority order passed on	: 25/02/2022
Second appeal received on	: 10/03/2022
Decided on	: 19/09/2022

ORDER

1. The appellant, vide application dated 26/11/2021 filed under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought certain information from Respondent No. 1, Public Information Officer (PIO), Office of the Superintendent of

Police (North), Porvorim Goa. The said application was transferred vide letter dated 30/11/2021 to Respondent No. 1, PIO, Sub-Divisional Police Officer, Panaji, Respondent No. 2, PIO, Sub-Divisional Police Officer, Bicholim, Respondent No. 3, PIO, Sub-Divisional Police Officer, Mapusa, Respondent No. 4, PIO, Sub-Divisional Police Officer, Pernem and Respondent No. 5, PIO, Sub-Divisional Police Officer, Porvorim. Being aggrieved by the replies of respondents and order passed by Respondent No. 6, First Appellate Authority (FAA), Superintendent of Police (North), Porvorim-Goa, appellant filed second appeal before this Commission.

2. It is the contention of the appellant that he had sought information on two points, whereas, the concerned PIOs informed him that the said information is not available. Hence, he preferred appeal before the FAA. FAA scheduled hearing on 05/02/2022 and further on 25/02/2022 which is after the expiry of mandatory period as provided under Section 19 (6) of the Act. Appellant further contended that he was not satisfied with the replies of PIOs and the action of the FAA, hence approached the Commission by way of second appeal.
3. Pursuant to the notice, respondents and appellant appeared on 12/04/2022. Respondent No.1, Respondent No.2, Respondent No.3, Respondent No. 4 and Respondent No.5 filed replies on 12/04/2022 and another submission on 16/06/2022. FAA was represented by authorized representative, filed reply on 16/06/2022. Appellant appeared in person and filed his say on 18/04/2022, written arguments on 21/04/2022 and submission on 06/07/2022.
4. Respondent PIOs stated that, the appellant had sought for information on two points, however information required by the appellant was not clearly mentioned as to what information is required by him. Hence, the information requested under point (a) is not available and same was informed to him within the stipulated period. Similarly, pertaining to information on point (b), there is no any particular record maintained, therefore information on the said point was not available, also not applicable as the same does not relate to SDPO's office. The same was informed to the appellant within the stipulated period.
5. FAA stated that, he had disposed the appeal vide order dated 25/02/2022 after giving due hearing to both the sides. The FAA was busy in the Assembly elections, hence hearing was kept after the election process was over and that caused delay in disposing the appeal.

6. Appellant contended that, PIOs have filed misleading and false reply. Offices of all PIOs, being the public authorities should have the requested information. By stating that the information is 'not available' and 'not applicable' PIOs have evaded the disclosure of the information which they are required to maintain. Appellant further contended that FAA scheduled the hearing after 32 days and another hearing after 50 days, which is in violation of Section 19 (6) of the Act, hence he did not appear for the hearing before the FAA.

7. Upon perusal of the records and submissions of both the sides the Commission notes that the appellant had sought information on two points as below:-

"1. Furnish the point wise information as per the provision of section 4 (1) (b) (i) to (xvii) of the RTI Act, 2005. The information is required in respect of the offices of the Sub-Divisional Police Officers of North Goa District.

2. Inform in detail about the name of Manual /Rules/Regulations upon which functioning of Goa Police Department is going on."

8. Section 6 (1) of the Act states :-

6. Request for obtaining information.- (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to

a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

b) the Central Assistant Public Information Officer or State Assistance Public Information Officer, as the case may be, specifying the particulars of the Information sought by him or her;

9. The above mentioned section underlines the need of specifying the particulars of the information sought by the applicant. It is clear from Para 7 that the information requested by the appellant in his application is not specific and clear, hence the PIOs were unable to furnish the information. Hence, PIOs cannot be held guilty of not furnishing the information. Similarly, it is seen that the FAA while disposing the first appeal upheld the say of PIOs and acknowledged the fact that the information sought is not specific and clear. Appellant was provided ample opportunity to appear and clarify on the nature of information he was seeking, however he did not appear on three occasion, i.e. 16/06/2022, 07/07/2022 and 28/07/2022 and the matter was posted for disposal.

10. Thus, the Commission concludes that the information requested by the appellant vide application dated 26/11/2021 is not specific and clear, hence respondent PIOs cannot be directed to furnish the information and the appeal needs to be decided accordingly.
11. In the background of the facts mentioned above, the Commission holds that the present appeal is bereft of merit, thus the same is disposed as dismissed.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

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/-
Sanjay N. Dhavalikar
State Information Commissioner
Goa State Information Commission
Panaji - Goa