

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 94/2023/SIC

Shri. Narayan Suresh Pai,
H.No. 121, Deulwada,
Arambol, Pernem-Goa 403524.

-----Appellant

v/s

1. Superintendent of Police (HQ),
First Appellate Authority,
Panaji-Goa 403001.

2. Mr. Vasudev P. Garudi,
Public Information Officer,
Admn. Branch, DGP Office,
PHQ, Panaji-Goa 403001.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 21/10/2022
PIO replied on	: 18/11/2022
First appeal filed on	: 13/12/2022
First Appellate Authority order passed on	: 07/01/2023
Second appeal received on	: 02/03/2023
Decided on	: 19/06/2023

ORDER

1. The brief facts of the present appeal received under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') are that the appellant did not receive requested information, thus filed first appeal. The said appeal was disposed by Respondent No. 1, First Appellate Authority (FAA) with direction to Respondent No. 2, Public Information Officer (PIO) to allow the appellant to conduct the inspection of Bombay Police Manual, sought by the appellant. It is the contention of the appellant that being aggrieved by the action of the PIO of furnishing incomplete information, he has appeared before the Commission by way of the present second appeal.
2. Pursuant to the notice, PIO appeared and filed reply dated 03/05/2023. Appellant appeared praying for the information, filed submission dated 24/05/2023.
3. PIO stated that, he had issued a reply to the appellant within the stipulated period. Appellant having not satisfied with the reply filed appeal before the FAA. Subsequently FAA directed PIO to allow the appellant to conduct inspection of all volumes of Bombay Police

Manual, however, the appellant did not turn up for the inspection. Hence, the appellant is not entitled for any relief.

4. Appellant submitted that, information sought by him was clear and specific, yet PIO furnished incomplete information. That, the PIO has erred in discharging his duties, whereas the Act mandates PIO to furnish the information as expeditiously as possible, within 30 days from receipt of the request.
5. Upon perusal, it is noted that the appellant vide application dated 21/10/2022 had sought following information:

“Certified copies of Goa Police Manual or any other Manual followed by Police Department/ Police Stations in Goa to carry out procedure to Register NC, FIR Charge sheet, A-Final, B-Final, C-Final, etc.”

PIO vide reply dated 18/11/2022 informed the appellant that:-

“Goa Police Department has drafted Goa Police Manual and submitted to Government for approval. At present, Goa Police Department has followed Bombay Police Manual.”

6. It is clear from the request of the appellant that he had sought for certified copy of Goa Police Manual or any other Manual followed by Goa Police Department. Similarly, it is evident from the PIO's reply that presently Goa Police Department has been following Bombay Police Manual. Hence, it was the duty of the PIO to furnish within the stipulated period copy of Bombay Police Manual by asking him to pay the requisite charges. Instead, PIO gave evasive reply.
7. Since the information sought is in public domain and not exempted from disclosure under Section 8 (1) or rejected under Section 9 of the Act, the Commission during the proceeding on 03/05/2023 directed PIO to furnish the said information to the appellant. In response appellant agreed to visit PIO's office and collect the information.
8. Appellant vide submission dated 24/05/2023 stated that the PIO vide letter dated 15/05/2023 has furnished the information to him, however, he prays for penal action against the PIO for furnishing the said information after delay of six months.
9. It is a fact that the information was not furnished by the PIO within the stipulated period and the said action of the PIO amounts to contravention of Section 7 (1) of the Act. However, it is observed

that the PIO was willing to adhere to the direction of the Commission and complied with the same by furnishing the information to the appellant during the present proceeding. Thus, subscribing to the ratio laid down by Hon'ble High Court of Bombay at Goa Bench in A. Parulekar v/s Goa State Information Commission (Writ Petition No. 205/2007) and Public Authority and Other v/s Shri. Yeshwant Tolio Sawant (Writ Petition No. 704/2012), the Commission concludes that, the information has been furnished to the appellant, though after the stipulated period, the delay being marginal and no malafide on the part of the PIO has been established. Therefore, invoking of Section 20 of the Act to initiate penal action against the PIO is not required.

10. In the background of the above mentioned findings of the Commission, the present appeal is disposed accordingly and the 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

