

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri M. S. Keny, State Chief Information Commissioner

## **Appeal No.106/2009**

Shri J. T. Shetye,  
H.No. 35, Ward No.11,  
Khorlim, Mapusa-Goa.

...

Appellant

V/s

1) Public Information Officer,  
O/o Superintendent of Police (North),  
Porvorim –Goa.

...

Respondent No.1.

2) First Appellate Authority,  
Inspector General of Police (Goa),  
Police Head Quarters

...

Respondent No.2

Appellant in person.

Shri Harish Bhatla P.S.I. representative of the Respondents present.

Adv. D. Kinleker for Respondent No.1 present.

## **JUDGMENT** (09/07/2010)

1. The Appellant, Shri J.T. Shetye, has preferred this Appeal praying that Public Information Officer/Superintendent of Police (North) be Compelled to provide appropriate information regarding application dated 18/09/2009 and to invoke penalty clause as per the provisions of Right to Information Act for providing irrelevant and misleading information to the Appellant.

2. The brief facts leading to the present appeal are as under:-

The Appellant vide his application dated 18/07/2009, sought certain information under Right to Information Act 2005 ('RTI'Act for short). The information sought was in the nature of 10 question regarding Police Complaint of Miss Shruti J. Shetye. That the Public Information Officer/Respondent No. 1 vide his letter No. SP/North/RTI/506/2009 dated 18/08/2009 provided information regarding only 7 questions which were false in nature. Being not satisfied the Appellant filed an appeal before Inspector General of Police, Panaji-Goa on 25/08/2009. That by order dated 09/09/2009 the Appellate Authority passed the order directing the Public Information Officer to furnish information at Sr. No. 8,9 and 10 to the

...2/-

Appellant within 20 days time from the receipt of the order. That the Appellant was provided with the information which is irrelevant and misleading. Being aggrieved the Appellant has preferred this second Appeal.

3. That Respondents resists the Appeal and the say of Respondent No. 1 is on record. It is the case of the Respondent No.1 that the Appellant sought certain information and the same was furnished to him. That not being satisfied he preferred the First Appeal before the Respondent No.2 and the First Appellate Authority directed the Respondent No. 1 to furnish the said information. That the Respondent No. 1 furnished the said information. It is further the case of the Respondent No. 1 that as per the records available, the daughter of the Appellant, Miss Shruti Shetye filed a complaint dated 01/10/2008 before Mapusa Police Station against Mr. Sham Parsekar, branch Manager, Bank of Boroda, Moira Branch and that in this connection a call letter was issued to the petitioner on 11/10/2008 and call letter to Mr. Sham Parsekar was issued on 10/10/2008 requesting both to remain present at Mapusa Police Station on 11/10/2008 at 10.00 hrs. Call letter was served on Mr. Sham Parseker, however, call letter to Miss Suruti Shetye was not served as she had refused to accept the said letter. However, the beat Police Constable who went to serve the letter collected the contact Number of the petitioner and the investigation officer Shri H. Bhatha, contacted the said petitioner on the above contact number and informed her to remain present at Police Station on 11/10/2008 at 10.00 hrs. and also informed that the Opponent is also called on that day. That on that day opponent remained present, however, the petitioner was absent. That inquiry was conducted with the manager and he was warned and directed to handle the matter of his employee within the purview of law. That the said Opponent was informed to

wait for some time as the petitioner was called. That the petitioner had not attended the Police station on 11/10/2008, however, due to oversight it was mentioned that the petitioner was produced before Police Inspector Mapusa. It is further the case of the Respondent No. 1 that he acted in good faith in providing the information and the same was done based on the record and there is no malafide intention on the part of Respondent No.1.

3. Application dated 06/04/2010 filed by Appellant and reply dated 19/04/2010 of the Respondent No. 1 are on record.

4. Heard the Arguments. According to Appellant false and misleading information has been furnished.

Adv. Ms. Kinlekar submitted that information given was correct however by oversight it was mentioned that Shruti Shetye was present and produced before Police Inspector Mapusa.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties.

It is seen that vide application dated 18/07/2009 the Appellant sought certain information. The information consisted of 10 points 1 to 10. By reply dated 18/08/2009 the Respondent No.1/PIO furnished reply to the Seven points and point No. 8,9 and 10 were not answered. Being not satisfied the Appellant preferred the first appeal and the first Appellate Authority allowed the appeal and P.I.O was directed to furnish information to point No.8, 9 and 10 within 20 days. By letter dated 23/9/2009 the PIO furnished the information to the said 3 points. Now it is the contention of the Appellant that the information furnished is irrelevant and misleading.

7. It is to be seen whether information is irrelevant and misleading. Under the Right to Information Act the information to which an information seeker is entitled can only be that which is available on records of the public Authority concerned. PIO is not obligated to provide non-existent information.

Under the Act PIO has to furnish correct information that is information correct to the core. However, in the instant case a discrepancy has crept in. According to Appellant Shruti did not go to the Police station at all nor the matter was settled and that it is wrongly stated so. The PIO/Respondent No.1 has admitted that Shruti was not present at the police station on that day and that she was not produced before the Police Inspector. If that is so both parties settled the matter as mentioned in Mapusa Police Station letter dated 24/10/2008 is not correct. Respondent No. 1 admits about mistake by oversight and submits that there is no malafide intention. Since the report has been given by the Respondent No. 1 about the mistake etc it shows that there is no malafide intention. The Appellant also states that he has no grievance of whatsoever nature. Due to this correction he has no complaint. Information that was given was under the belief that Shruti was present at the Police station. So it cannot be said that information is irrelevant and misleading.

8. In view of all the above, no intervention of this Commission is required. Hence I pass the following order:-

**O R D E R**

No intervention of this Commission is required.

The Appeal is disposed off.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 9<sup>th</sup> day of July, 2010.

Sd/-  
(M.S. Keny)  
State Chief Information Commissioner



