

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 507/SIC/2010**

Mrs. Joan Mascarenhas e D'Souza,  
H. No. 315/4, Tropa Vaddo,  
Sodiem, Siolim –Goa.

..... Complainant.

V/s.

1. The Public Information Officer,  
Superintendent of Police,  
Porvorim –Goa.

..... Opponent

Complainant in person.

Opponent absent. His representative P. S. Bhomker present.

Adv. N. Dias for the Opponent.

**ORDER**  
(07/01/2011)

1. The Complainant, Smt. Joana Mascarenhas E. D'Souza has filed the present complaint praying that thorough inquiry be conducted including inspection of all the sites to which the request for information pertains in order to ascertain the information which the Public Information Officer/Opponent has concealed in a malafide manner; that the documents and records be called for from the PIO; that disciplinary action be taken on the PIO/Opponent under the service rules, under section 20 (1) of the Right to Information Act and that suitable direction be issued under section 25(5) of the Act.

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

That the complainant has filed an application dated 30/03/2010 seeking certain information under Right to Information Act 2005. ('RTI' Act for short) from the PIO/ Opponent. That the PIO/Opponent vide his reply dated 27/04/2010 furnished the information to the effect that only one chapter case was filed by P.S.I. Brandon D'Souza of Mapusa Police Station in the Court of the S.D.M. in the period 01/01/2008 to 01/12/2009, against the husband of the complainant Mr. Dominic D'Souza. It is the case of the Complainant that the information given by the PIO/Opponent is incomplete and misleading as the complainant is well aware that

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there was another chapter case under section 107 filed by the P.S.I. Brandon D'Souza. during the said period mentioned in the application dated 30/03/2010 contrary to the information given by PIO/Opponent. That the Complainant then filed an application before the Public Information Officer to the office of the Dy. Collector Office at Mapusa dated 05/05/2010 and upon receiving the information from the office of Dy. Collector from 02/07/2010 it was confirmed that there was one more chapter case filed by the P.S.I. Brandon D'Souza under section 107 dated 17/02/2009 in the Court of the S.D.M. – case No. MAG/CH/107/122/09. It is further the case of the complainant that PIO/Opponent has deliberately given incomplete information. That the Complainant and one Mr. Domnic D'Souza have filed complaint against Brandon D'souza for framing incorrect document and have been pursuing the matter with the Police authorities and due to which the PIO has deliberately given incomplete information in order to mislead/misguide the Complainant. Hence the present Complaint on various grounds as set out in the Complaint.

3. The Opponent resists the Complaint and reply is on record. It is the case of the Opponent that only one chapter case No. 149/2008 under section 107 Cr.P.C. dated 03/05/2008 was filed against Domnic D'Souza, Sodiem, Siolim Bardez i.e. from 01/01/2008 to 01/12/2009. That the information sought by the Complainant was furnished within time. However, another chapter case No. 58/2009 under section 107 Cr. P.C. was not furnished since at that relevant time this opponent could not trace the relevant file being its different from the one already furnished which was from Sodiem, Siolim and the other case falls under the area of Feira Alto, Mapusa. That the same remained unfurnished due to the clerical over sight and not deliberate or intentional. Therefore this opponent is not liable for any action. That the said chapter case of 58/2009 was not traceable at that relevant time and hence whatever available was furnished to the complainant. According to the Opponent , Complaint filed by the Complainant's husband against Mr. Brendan D'Souza , PSI and clerical over sight are two different issues and the same are not

connected. The Opponent denies the grounds set out in the Complaint specifically. In short according to the Opponent the same was not intentional or deliberate and nothing was malafide and that it was purely clerical mistake.

4. Heard the arguments. The complainant argued in person and adv. Shri N. Dias argued on behalf of Opponent.

The Complainant referred to the facts of the case in details. She next referred to the application seeking information and reply furnished by the opponent. According to her information is misleading and incomplete. She next referred to the information sought from the Dy. Collector and pointed out that information furnished is not correct.

Adv. for opponent also referred to the facts to the case. According to him information is in time he referred to the reply in detail. According to him the other case is of different place and as such there was some clerical over sight and that the act was not deliberate and intentional. He also explained as to how mistake occurred and the information furnished was of the Sodiem, Siolim area. He also submitted section 18 (1) (e) is not attracted in the facts of this case.

5. I have perused the information furnished by the opponent as well as by the PIO/Dy. Collector. It appears from the same that there were two cases. The Complainant also sought information about date and place of offence. In any case this matter needs inquiry and this inquiry is to be conducted by the officer superior in rank to the opponent. It is to be ascertained as to whether the same was intentionally done etc in view of the submissions of the Complainant. This Commission requests the I.G.P. to conduct the inquiry.

7. In view of the above, I pass the following order:-

### **ORDER**

Complaint is allowed. The I.G.P. to conduct an inquiry regarding furnishing of incorrect, misleading information and thereafter initiate action and/or be suitably

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penalized. The inquiry to be completed as early as possible preferably within two (2) months.

Matter posted for compliance on 06/04/2011.

Copy of the order be sent to I.G.P.

Complaint is accordingly disposed off.

Pronounced in the Commission on this 7<sup>th</sup> day of January, 2011.

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



