

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Appeal 201/SCIC/2010

Shri Anil Patil,
H.no.201/94,
Kailasnagar, Assonora,
Bardez-Goa

... Appellant.

V/s

1) The Public Information Officer,
Superintendent of Police (North)
Porvorim-Goa

... Respondent No.1.

2) The First Appellate Authority,
Inspector General of Police,
Panaji-Goa

... Respondent No.2.

Appellant in Person

Adv. H. Naik for Respondent No.1

JUDGEMENT

(29/06/2011)

The Appellant Shri Anil Patil, has filed the present appeal praying that the information requested by the Appellant be furnished to him fully and correctly without reserving any information to save any person and that action be taken on the P.I.O. for not providing full and correct information .

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

That the Appellant, vide his application dated 03/03/2010 sought certain information under Right to Information Act, (R.T.I. Act for short) from the Public Information Officer (P.I.O./Respondent No.1. That by reply dated 08/04/2010, the information was received. That the reply/information furnished was not satisfactory hence the Appellant preferred appeal before the First Appellate Authority (F.A.A.)/Respondent no.2. That the F.A.A passed the order to furnish the copy of the

letters. That letter dated 06/08/2010 along with part of information was handed over to the Appellant by Mapusa Police Station. Being aggrieved the Appellant has preferred the present appeal on the grounds as set out in the memo of appeal.

3. The Respondent resist the appeal and the reply of the Respondent is on record. It is the case of the Respondent No.1 that the appeal is not maintainable as the application was addressed to Mapusa P.I. and not to the P.I.O., that the entire information was furnished to the Appellant and that the appeal is infructuous. That the order of F.A.A. is complied by P.I.O. The Respondent no.1 denies the case of the Appellant as set out in the memo of appeal. It is the case of the Respondent no.1 that entire information has been furnished to the Appellant. It is further the case of the Respondent No. 1 that even though the Appellant failed to seek the information from the concerned P.I.O. in good faith the Police Inspector of Mapusa Police Station furnished all the information to the Appellant. That the P.I.O received application under R.T.I. only on 05/04/2010 and reply was furnished on 08/04/2005 and the same is within time.

4. Heard the arguments. The Appellant argued in person and the learned Adv Smt. H. Naik argued on behalf of Respondent no.1. According to him compromise letter is not available. He submitted that inspection be given. Subsequently he submitted that information at point No.2/Sr.no.2 is not furnished. Written arguments of the Appellants are on record.

The learned Adv. for Respondent No.1 submitted that full information except at Sr.No.2 is furnished. She also submitted that Appeal does not survive and that the appeal is not maintainable.

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

It is seen that the applicant, vide application dated 03/03/2010, sought certain information from Police Inspector Mapusa Police Station. By reply dated 08/04/2010 the information was furnished by the P.I.O. It appears that the appellant was not satisfied with the reply and hence he preferred the appeal before First Appellate Authority. By order dated 9/07/2010, the F.A.A. /Respondent No.2 ordered as under:-

“ P.I.O. SP North is directed to inform the Appellant if the Compromise letters and the report are available on records and furnish copies of the same, subject to the provisions of R.T.I. Act, 2005, within 30 days of receipt of this order.”

It appears part of the information was furnished . During the hearing inspection was given and the Appellant was satisfied. The only grievance of the Appellant is that information in respect of point No.2/ serial No.2 has not been furnished .

6. Point No.2/Sr.No.2 of the said application reads as under:

“ 2. copy of section 504 & 427 I. P. C. & 107 Cr. P.C.”

The reply given as under:-

“ 2 copy of NC No.05/2010 Under section 504, 427 I.P.C dated 25/01/2010 and copy of chapter case No.21/10 under section 107 Cr. P.C may be collected from the office of S.P. North Porvorim

According to the Appellant what he wants are the provisions i.e reproduction of section 504 & 427 I.P.C. and 107 of Cr. P.C.. It is now to be seen whether the same is

material as stipulated in section 2(f) or “held” by the Respondent No.1 as mentioned in section 2 (f) of the R.T.I. Act. Under R.T.I. Act information as held by the Public Authority is to be furnished . A combine reading of section 2(f), 2 (i) and 2 (j) of the Act indicates that a citizen is entitled for disclosure of the information which is in material form with the public Authority. Whether such information as sought can be granted..

In Shri Rakesh Kumar Gupta V/s income Tax Appellate Tribunal , New Delhi (F.No. CIC/AT/A/2006/00185 dated 18/09/2006), the commission held that it is in appropriate to invoke the provisions of R.T.I. Act to seek interpretation of laws and rules. The laws and rules themselves are information and accessible to citizens.

In L.R. Mahajan V/S. A.I.I.M.A (CIC/AD/A/09/00469 decided on 4/5/2009) some information was sought regarding probable cause of the hematuria about affecting right side kidney etc. The information sought was regarding medical aspects.

The C.I.C. observed as under :- “The Commission holds as that information being sought is either available in medical text books or with specialists on this subject and does not fall under the definition of information as given under section 2(f) of the R.T.I. Act . The Commission , accordingly upholds the decision of the Appellate Authority and advises the Appellant to seek the advise of specialist on the said subject. Likewise the provisions sought by the Appellant in the case before me are in the books. The same does not come within the ambit of information as held by the Respondent No.1, I do not agree with the contention of the Appellant that the said provisions ought to have been furnished. Assuming that this request if

accepted, this type of queries may convert Public Authorities to be doing only such type of work of furnishing copies of variety of provisions. In my view the R.T.I. Act does not enjoin disclosure of variety of information of this type .

7. In view of the above, this request in so far as point no.2/Sr.no.2 regarding particular section is to be rejected. Hence I pass the following order:-

ORDER

Information is already furnished. Request in so far as point no.2/Sr.no.2 is rejected. The appeal is disposed off.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 29th day of June 2011.

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

