

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 268/SCIC/2010

Shri Suraj S. Halarnkar,
H. No. D51/1,
Chal Bhat, Dhauji Road,
Old Goa

.... Appellant

V/s.

1) Public Information Officer,
Superintendent of Police (South),
Margao - Goa

.... Respondent No. 1.

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

.... Respondent No. 2.

Appellant in person.

Adv. K. L. Bhagat for Respondent No. 1.

J U D G M E N T **(18.08.2011)**

1. The Appellant, Shri Suraj S. Halarnkar, has filed the present Appeal praying that the Respondent No. 1 be directed to furnish information in respect of point No. 2, 3 and 5; that to furnish correct information in respect of point No. 4, 10, 11, 12, 14 and 16; that disciplinary proceedings be initiated against Respondent No. 1 for failure to furnish information pertaining to Vasco Sub-Division and that penalty be imposed against the Respondent No.1 for failure to furnish information in respect of Vasco Sub-Division within a period of 30 days.

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

That the Appellant, vide application dated 19.08.2010 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 the Respondent No. 1 by reply dated 17.09.2010 informed the Appellant stating that "the information pertaining to Vasco Sub-

Division is still awaited. No sooner the same is received you will be informed accordingly. However, the information pertaining to Police Stations within Margao and Quepem Sub-Division called for is ready." That the Appellant collected the information on 28.09.2010. That period of 30 days came to an end on 17.09.2010. Being not satisfied the appellant preferred Appeal before the First Appellate Authority (F.A.A.)/Respondent No. 2 That the Respondent No. 1 thereafter furnished the information pertaining to Vasco Sub-Division vide letter dated 28.09.2010. By order dated 20.10.2010 the Respondent No. 2 directed Respondent No. 1 to furnish information in respect of point No. 2, 3, 4 and 5 to the Appellant. That the Respondent No. 2 did not consider the request of the Appellant to furnish complete/correct information in respect of point No. 10, 11, 12, 14 and 16. Being aggrieved by the order the Appellant has filed the present Appeal on various grounds as set out in the Memo of Appeal.

3. The Respondent No. 1 resists the Appeal and the reply is on record. It is the case of the Respondent No. 1 that Appellant vide letter dated 19.08.2010 had requested for information and vide reply dated 17.09.2010 the information pertaining to Margao Sub-Division and Quepem Sub-Division was furnished to the Appellant. That vide same letter the Appellant was informed that information pertaining to Vasco Division was awaited and no sooner the same was received he would be furnished with the same and that the same was furnished by letter dated 28.09.2010. That Appellant preferred First Appeal and in compliance with the order of F.A.A. the Appellant was furnished information on 19.08.2010. That the reason for delay was communicated to the Appellant. That there was no malafide intention on the part of Respondent No. 1 in delaying to furnish the information to the Appellant within the stipulated time as the said information was not available with the Respondent No.1 at that time. That the Respondent No. 1 also reminded S.D.P.O. Vasco calling for the information by wireless message dated 14.09.2010, 16.09.2010, 18.09.2010 and 22.09.2010. It is further the case of Respondent No.

1 that with respect to point No. 2, 3, 4 and 5 the information as available has already been supplied to the Appellant after he filed the First appeal and that the Appellate Authority's order was complied with. According to the Respondent No. 1 the Appeal is liable to be dismissed.

4. Heard the arguments. The Appellant argued in person and the learned Adv. Shri K. L. Bhagat argued on behalf of Respondent No. 1.

Appellant referred to the facts of the case in detail. According to him he received information by post. He next submitted that he has not received information in respect of point No. 16. That reader's inward not shown. According to him about third party Respondent cannot claim now.

He filed written arguments in detail which are on record.

Adv. Shri Bhagat also referred to the facts of the case in detail. According to him there is no public interest involved. He next submitted that information is furnished. He also referred about 'third party'.

He also filed written arguments which are on record.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The points that arise for my consideration is whether the information is furnished and whether the same is furnished in time.

It is seen that the Appellant by application dated 19.08.2010 sought certain information from the Respondent No.1/P.I.O. the information consisted of 1 to 18 points. By reply dated 17.09.2010 the information was furnished except information pertaining to Vasco Sub-division which was furnished subsequently by letter dated 28.09.2010. Being not satisfied the Appellant preferred appeal before F.A.A./Respondent No. 2 on 01.10.2010. The Appeal was disposed by order dated 20.10.2010. It was observed as under:-

"After careful perusal of the appeal it is seen that the P.I.O. had requested the applicant for inspection of records in respect of point no. 2, 3 and 5 and information was furnished in respect of point No. 1, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 18.

In view of the above, the appeal is partly allowed and the P.I.O. is directed to furnish the information in respect of point No. 2, 3 and 5. It is further directed that information in respect of point No. 4 be provided to the Appellant as he claims the same been not received by him though stated to be enclosed."

According to the Respondent No. 1 in compliance with the directions of the first Appellate Authority the information was furnished to the Appellant on 22.11.2010.

6. In his written arguments received by this Commission on 06.05.2011 the Appellant states that the Respondent No. 1 has furnished the requested information pertaining to point No. 2, 3 and 5 only after the directions of F.A.A. vide letter dated 02.11.2010 and the same was received by Appellant on 25.11.2010 through registered post.

According to the appellant both during oral arguments and in his written arguments he submits that Respondent No. 1 has not furnished information at point No. 16.

The point No. 16 reads as under:-

"2.16. Kindly furnish the copy of entries of Inward Register and outward register of the office of Superintendent of Police South, Margao for the period from 3.2.2010 to 8.2.2010."

Information furnished as 'Enclosed'. The F.A.A. as observed above, also mentions that information to point No. 16 is furnished.

Appellant in his written arguments states as under:-

"I. Non furnishing of information to point No. 16.

It is submitted that the Respondent No. 1 has not furnished the copy of Outward Register as per the request of the Appellant to his Point No. 16. The request of the Appellant to furnish information as regards to point No. 16 has been specific. The Respondent No. 1 had furnished document bearing No. SP/S-Goa/Reader/595/2010 dated:08/02/2010 as a reply to Point No. 9 of the application.

When, the Appellant was furnished with information bearing outward number No.SP/S-Goa/Reader/595/2010 dated:08/02/2010 (as a reply to Point No. 9), he ought to have been furnished with the corresponding copy of this Outward Register for a period from 03/02/2010 to 08/02/2010 as a reply to Point No. 16.

The Outward Register maintained by SP (South) Reader Branch is also the document pertaining to the office of Superintendent of Police, (South) [Respondent No.1]. All the correspondence bearing outward number of this register are signed by the Superintendent of Police, (south). Only the Police Officer holding the charge as the District Superintendent of Police (South) is authorized to sign the documents bearing outward number allotted from this register and no any other Police Officer. If Respondent No. 1 has maintained two Outward Registers in his office, the copies of this two Registers ought to have been furnished by the Respondent No. 1."

According to Adv. Bhagat information sought has been furnished. The relevant submissions are at para 6 page 5 of his written arguments. What the Appellant has sought is the copy of inward and outward register of the office of S.O. South, Margao. From the argument of the Appellant it appears that the outward

register maintained by S.O. (South) Reader Branch is also the documents pertaining to the office of Superintendent of Police. From the reading of point Q.16 it appears of Inward Register and Outward Register of S.P South. Therefore he could be more specific since he is also a police officer. Normally information is to be furnished as asked in the original application. According to Advocate for Respondent what is asked is to be furnished. It is held that additional information cannot be furnished at the appellate stage.

In any case as offered by Respondent No. 1 the Appellant could take inspection about the inward Register and Outward Register and see whether the said information is furnished. In case the Appellant wants about Outward Register maintained by S.P.(South Reader Branch he can ask for the information and it is for P.I.O. to deal with the same.

7. Now it is to be seen whether there is delay in furnishing the information. It is almost an admitted position that information from Vasco Police was received beyond 30 days and the same as furnished to the Appellant by letter dated 28.09.2010. According to Appellant it is intentional. Advocate for Respondent No. 1 disputes this. According to him the said information was collected and furnished. In any case the P.I.O should be given an opportunity to explain the same in the factual matrix of this case.

8. In view of all the above, I pass the following Order:-

ORDER

The Appeal is partly allowed. The Respondent No. 1 to give inspection to the Appellant regarding Inward Register and Outward Register and the Appellant to see what is given and what is not given and thereafter the P.I.O to furnish the same. Regarding Outward Register maintained by S.P. (South) Reader Branch, the Appellant

can seek information afresh, if he wants, and the P.I.O./Respondent No. 1 to deal with the same in accordance with law.

Inspection can be given within 10 days from the date of receipt of this order on a mutually agreed date.

Issue notice under section 20(1) of the Right to Information Act, 2005 to Respondent No. 1/P.I.O. to show cause why penalty action should not be taken against him for causing delay in furnishing the information. The explanation, if any, should reach the Commission on or before 14.10.2011. Public Information Officer/Respondent No. 1 shall appear for hearing.

Further inquiry posted on 14.10.2011 at 10:30 a.m.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 18th day of August, 2011.

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

