

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.547/SCIC/2010**

Shri Jowett D'Souza  
R/o.H.No.139,  
Sernabatim, Colva,  
Salcete - Goa

... Complainant

**V/s**

1. PIO, Shri N. P. Signapurkar  
Under Secretary (EST), Law Department,  
Secretariat, Porvorim-Goa
  2. PIO, Shri Siddhivinayak S. Naik  
Under Secretary(Home), Home Department(G)  
Secretariat, Porvorim-Goa
  3. PIO, Smt. Shobha Damasker,  
Director of Prosecution, 7<sup>th</sup> Floor,  
Shrama Shakti Bhavan,  
Patto, Panaji-Goa
  4. Director General of Police,  
Shri Bhim Sain Bassi(IPS),  
Police Head-Quarters, Panaji-Goa
  5. Under Secretary Law(Estt),  
The Law Department(Estt).,  
Secretariat, Porvorim, Goa
- ... Opponents

Complainant present in person.  
Adv. Smt. Harsha Naik for opponent

**ORDER**  
(27/03/2012)

1. The Complainant, Shri Jowett D'Souza, has filed the present complaint praying that the opponent be directed to furnish the information with regards to point No.4, 8, 9, 10, 12, 13, 14, 15 and 16 as sought by the complainant vide application dated 31/5/2010; that disciplinary proceeding be initiated against the opponent for causing inconvenience and loss of precious time of the complainant.

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

That the complainant is an R.T.I. activist and fighting for corruption and misuse of official position, Government funds in collusion with Government Offices and Officers. That the complainant had sought certain information of Adv. Shri Santan B. Faria in the form of certified

copies and documents vide application dated 31/5/2010 under Right to Information Act, 2005 ('RTI' act for short) from the opponent No.1. That the opponent No.1 transferred the said application to the Office of the Principal and District Session Judge, Margao, South Goa with regards to point No.5, 7 and 11. That this transfer was made after 15 days. That the opponent further transferred the said application of the complainant dated 31/5/2010 to opponent No.2. The opponent No.2 once again wrote to opponent No.1 with regards to steps taken by him on the letter of the opponent No.1 and further clarified to opponent No.1 that his department has not appointed Adv. Shri Santan B. Faria as Special Public Prosecutor and also transferred the said application of the complainant to the Opponent No.1's office by letter dated 6/8/2010 to take necessary action at his end. That the opponent No.2 after long delay and in violation of the provisions of Section 6(3) of the RTI Act 2005 transferred the said application of the complainant to opponent No.3 to furnish the reply directly to the complainant except point No.1, 3 and 9. That the opponent No.2 without applying the mind transferred the same to opponent No.3, 4 as well as opponent No.5. That the opponent No.1 furnished the information to the complainant only in regard to point No.1, 2 and 3 by letter dated 21/6/2010. It is the case of the complainant that the Public Information Officer (PIO) of the District & Session Court, Margao furnished the information to the complainant with regards to point No.5, 7 and 11. That the complainant has received information from opponent No.1 with regards to the application dated 31/5/2010 only in regard to point No.1, 2, 3, 5, 7 and 11. However he did not receive any information nor communication of whatsoever nature with regards to point No.4, 8, 9, 10, 12, 13, 14, 15 and 16 till date from opponent No.1 and opponent No.3, opponent No.4 and opponent No.5. till date in spite of transferring the complaint to various opponents. It is the case of the complainant that opponent in collusion with each other malafidely and deliberately denied the information without even replying to point No.4, 8, 9, 10, 12, 13, 14, 15 and 16 to avoid getting exposed the corrupt practices followed by the opponents. Hence the present complaint.

3. The opponents resist the complaint and their replies are on record. It is the case of the opponent No.1 and 5 that the information sought by the complainant was voluminous and pertaining to different departments. That the time was consumed for obtaining the clarification

as regards the concerned authorities who are/were in possession of actual information. It is the case of the opponent that information at point No.1, 2 and 5 were furnished in time which were in their possession. These opponents admits about the receipt of application and further denied the contents of the complaint. According to these opponents, complaint is liable to be dismissed.

It is the case of the opponent No.3, that the information sought on the subject matter by the complainant does not pertain to the department of opponent No.3 and hence by letter dated 14/7/2010 the same was informed to opponent No.1. That there were no intention of opponent No.3 to protect the wrongdoing of or misuse of office as alleged by the complainant. That the opponent No.3 does not come into the picture at all, as far as appointment of Adv. Santan Faria for the post of Special Public Prosecutor as the same pertains to the office of Opponent No.1 and 2. According to opponent No.3, opponent No.3 ought to be dropped from the present proceedings.

It is the case of opponent No.4 that the application was transferred. However opponent No.4 by letter dated 17/7/2010 sent back the said application as the subject matter of RTI does not pertain to the department of opponent No.4. In short, it is the case of opponent No.4, that opponent No.4 is not concerned department to provide the information. According to opponent No.4, the complaint is liable to be dismissed.

4. Heard the arguments. Complainant argued in person. The Ld. Adv. Smt. Harsha Naik argued on behalf of opponent No.1 to 5.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not?

It is seen that vide application dated 31/5/2010, the complainant sought certain information. The information consisted of 16 items, Sr. No.1 to 16. The information was sought from PIO, Under Secretary(Est)/opponent No.1. The opponent No.1 by letter dated 15/6/2010 and 16/6/2010 transferred point No.5, 7 and 11 to the Principal District Judge & Session Judge, South Goa, Margao, Goa. By letter 15/6/2010

the application dated 31/5/2010 was transferred by opponent No.1 to Under Secretary, Home/opponent No.2 U/s.6(3). By letter dated 6/8/2010, Under Secretary, Home/opponent No.2 wrote to the opponent No.1 stating that the application was returned as the concerned information was not available with them. It is seen that by letter dated 14/7/2010, opponent No.2 transferred the request to Director of Prosecution as well as Director General of Police i.e. opponent No.3 and 4 and also the Under Secretary, Law(Legal). It is seen that by letter dated 21/6/2010, the opponent No.1 furnished the information in respect of point No.1, 2 and 3. By letter dated 6/8/2010, the PIO/District and Session Court, South Goa, Margao furnished the information in respect of point No.5, 7 and 11. It appears from record that information in respect of point No.4, 8, 9, 10, 12 to 16 has not yet been furnished.

6. It is seen that the application was sent from one department to another and it was found that the said authorities did not have the required information. It is not known whether the information is available or not but it should be with some authority. Without going through the merits of the case, I would refer the application back to the P.I.O., Law Department as well as Home Department with request to them to see whether the said information is available and accordingly transfer the request within 5 days from the receipt of this order to the concerned authority. Needless to add that the request is to be disposed within the statutory period of 30 days as prescribed by R.T.I. Act. The concerned PIO's should endeavour to send the request to the rightful place so that the information seeker gets the required information

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

### **ORDER**

The application dated 31/5/2010 is referred back to the P.I.O. Under Secretary(EST) Law Department, Secretariat, Porvorim/opponent No.1 and to the P.I.O. Secretary(Home), Home Department(G), Secretariat, Porvorim/opponent No.2 and opponent No.1 and 2 to see whether the information is available and if not transfer the same to the concerned department having information within 5 days from the receipt of this order.

That the concerned authority to deal with the application and dispose the same within the statutory period of 30 days. The complaint is disposed off.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 27<sup>th</sup> day of March, 2012.

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