

Dy. Superintendent of Police have failed to attend to the complaint of Domingos F. Dias. That the said Domingos Dias has never sold his two flats to anyone nor executed any Sale Deed. That the Complainant, vide application dated 20.07.2011 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Opponent. That by reply dated 18.08.2011 the P.I.O. informed that complaint dated 30.08.2008 is not traceable and as regards complaint dated 01.09.2008 it was informed that complaint was found to be of civil nature. Being aggrieved the Complainant has filed the present Complaint.

3. In pursuance of the notice issued Shri Francisco Corte, P.I. appeared. However on subsequent hearings neither the Opponent nor his representatives appeared. Notices were issued to the Opponent on two occasions but the Opponent did not appear. In any case I am proceeding on the basis of record.

4. Heard Shri C. S. Barreto, the representative of the Complainant and perused the records.

It is seen that by application dated 20.07.2011 the Complainant sought certain information i.e. certified copy of the action taken report with regards to the two complaints lodged by Domingos Felicio Dias. Copies of complaint were also annexed to the application. By reply dated 18.08.2011 the Opponent/P.I.O. has informed the Complainant that complaint dated 30.08.2008 filed at Old Goa Police Station is not traceable and as regards complaint dated 01.09.2008 of Domingos F. Dias the contents of complaint were found to be of civil in nature and thus no action was apparently taken by the Police and that action taken report is not available. It is seen that this reply is in time.

The only grievance of the Complainant is that the Complaint is not traceable.

5. The Complaint is dated 30.08.2008 and the same is not traceable. How it is missing, etc. is not explained nor stated. If this contention is accepted that information cannot be furnished as the Complaint is not traceable then it would be impossible to implement RTI Act. However it is

also a fact that if information is not available the same cannot be furnished. It is to be noted here that it is obligatory for Public Authority to maintain the records properly and duly catalogued and indexed so as to facilitate the right to information under RTI Act.

Since Complaint is of 2008 a thorough search is to be made about the same. In my view higher authority/officer should see that the record is searched properly and the complaint be traced. In case the concerned officer finds that the same has been deliberately done then to initiate action as per law.

An opportunity to search the said complaint is to be given so that complaint is traced.

6. It is seen that Complainant has approached the Commission without approaching First Appellate Authority. It is now held that such Complaint is not maintainable. The Complainant to take note of the same in future.

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

ORDER

The Complaint is partly allowed. The Opponent/P.I.O. to direct the concerned P.I. to search thoroughly and to trace the complaint within 15 days and thereafter furnish the information in respect of point No. 1 of the application dated 20.07.2011 of the Complainant within 30 days from the date of receipt of this Order.

In case the complaint is not traced within the said period i.e. 15 days plus 30 days (45 days) the P.I.O. through a competent officer deputed by him to conduct an inquiry and if it is found that the same has been deliberately done then to fix responsibility and initiate action as per law against the concerned officer. The inquiry is to be completed as early as possible preferably within three (3) months.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 17th day of April, 2012.

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

