

GOA STATE INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan," Patto Plaza, Panaji.

Appeal No. 73/SIC/2008

Shri Franky Monteiro
H. No. 501, Devote, Loutolim
Salcete
GOA – 403 178

...Appellant

V/s.

1. The Public Information Officer
The Superintendent of Police, South District
Town Police Station
Margao – Goa

...Respondent No. 1

2. The First Appellate Authority
The Inspector General of Police
Goa Police Headquarters
Panaji – Goa

...Respondent No. 2

CORAM:

**Shri A. Venkatratnam
Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner**

(Per G. G. Kambli)

Dated: 05.12.2008

Appellant absent.

Adv. Mrs. Harsha Naik, Government Counsel for the Respondents.

ORDER

This second appeal is directed against the order dated 30.07.2008 passed by the Respondent No. 2 in appeal No. 49/2008 u/s. 19(3) of the Right to Information Act, 2005 (for short "The Act").

2. According to the Appellant, the facts of the case, in brief, are that the Appellant vide his application dated 04.06.2008 approached the Respondent No. 1 i.e. the Public Information Officer under the Act to furnish the following information:

"1. Furnish of information in regards to action taken till date and

status of letter No. PHQ/PET-CELL/VER-23/07/2008 dated 7/2/2008 addressed to you by superintendent of Police, HQ, Panaji, Goa.

2. Furnish of information in regards to action taken till date and status of letter addressed to you by complainants from Loutolim and Verna village dated 28/4/2008 requesting to register F.I.R. in respect to criminal complaint filed.”

3. As the Appellant did not receive any response from the Respondent No. 1 within the stipulated period of thirty days, the Appellant preferred the appeal before the Respondent No. 2 on 08.07.2008. The Appellant thereafter received an intimation dated 03.07.2008 on 25.07.2008 from the Respondent No. 1 to collect the information sought by the Appellant. Accordingly, the Appellant collected the said information on 26.07.2008. In the meantime, the Appellant also received a notice from the Respondent No. 2 faxing the case for hearing on 30.07.2008. The Appellant states that he also submitted his reply and arguments before the Respondent No. 2 on the date of hearing on 30.07.2008. The Respondent No.2 dismissed the appeal of the Appellant. Hence, the second appeal.

4. A notice was issued to the Respondents and the Respondent No. 1 filed the reply and in the reply the Respondent No. 1 has raised preliminary objection stating that the appeal filed by the Appellant is premature. However, the Respondent No. 1 has not explained as to how the appeal filed by the Appellant is premature. As stated above, the First Appellate Authority has passed an order on 30.07.2008 and the present appeal is presented before the Commission on 11.08.2008, i.e. after passing the order by the First Appellate Authority. Therefore, it is not clear as to how the appeal filed by the Appellant is premature. Being so, we do not find any substance in the preliminary objection and the same has been taken by the Respondent No. 1 merely for the sake of raising objection. Hence, we overrule the said preliminary objection.

5. It is also pertinent to note here that in the reply filed by the Respondent No. 1, in the cause title Public Information Officer, Dy.

Collector and Another are shown as Respondents which shows that there was no proper application of mind while preparing reply. We have also observed that the Respondent No. 1 has furnished the information after 51 days as against the time-limit of 30 days. Hence, we direct the Public Information Officer to ensure that the information is provided to the citizens within the time-limit specified in the Act.

6. Going now to the merits of appeal, the Appellant has sought action taken report on the letter dated 07.02.2008 from the S. P. Headquarters, Panaji and on the complaint filed by the Appellant and other villagers dated 28.04.2008. The Respondent No. 1 has replied to the Appellant on both the points stating that no FIR has been registered at present, as prima facie, no cognizable offence is made out. This being the position, the Respondent No. 1 has provided the information based on the available records. The role of the Public Information Officer is to provide information as available in the records of the public authority. In case the Appellant feels that the authorities have not taken proper action on the complaint and on the letter of the S.P. Headquarters, it is for the Appellant to agitate this issue before the competent authorities and not before the Public Information Officer.

7. Therefore, we are of the view that the Respondent No. 1, i.e. the Public Information Officer has provided the information to the Appellant as per his request dated 04.06.2008 and hence, we find no merits in the present second appeal and accordingly, the same is hereby dismissed.

Pronounced in the open Court on this 05th day of December 2008.

Sd/-
(G. G. KAMBLI)
STATE INFORMATION COMMISSIONER

Sd/-
(A. VENKATRATNAM)
CHIEF INFORMATION COMMISSIONER

