

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 52/2008

Mr. Vivek Nilkant Amonkar,
H. No. 366, Betal Prasad, Near Marutigad,
Curchorem, Goa – 403 706.

..... Complainant.

V/s.

Public Information Officer,
The Superintendent of Police, Traffic,
Police Headquarters, Panaji - Goa.

..... Opponent.

Dated: 17/06/2009.

Complainant absent.

Opponent present in person.

ORDER

By request dated 10/09/2008, the Complainant sought the information from the Opponent under the Right to Information Act, 2005 (for short the Act) and which pertains to powers of the Police Officers of Traffic to compound offences under the Motor Vehicle Act. The Opponent in the communication dated 06/10/2008 stated that the information is ready and collect the same on depositing required charges in the office of Joint Director of Accounts, PHQ, Panaji.

2. The Complainant by letter dated 10/10/2008 answered to the reply dated 06/10/2008 of the Opponent that the Opponent has not mentioned the amount of the additional fees required to be paid which is mandatory under section 7(3a) of the Act. The Opponent in the reply to this letter of the Complainant informed the Complainant by letter dated 14/10/2008 that the fees for the information is Rs.4/- is required to be deposited in the office of Joint Director of Accounts, PHQ Panaji and in case the information is required by the registered post to send self addressed stamped envelop to this office along with the receipt of Rs.4/- issued by the Joint Director of Accounts, PHQ Panaji. The Complainant in compliance to the letter dated 14/10/2008 sent a demand draft of Rs.29/- payable to the Public Information Officer, the Superintendent of Police, Traffic, Panaji and further stated that there is no provision under the Act

...2/-

that the self addressed stamped envelope has to be sent by the Complainant to obtain the information. The Complainant also attached a Xerox copy of the demand draft payable to the Public Information Officer. Since the Complainant did not receive any information from the Opponent after the letter dated 31/10/2008 of the Complainant, filed his complaint for denying the information with a prayer to provide information free of cost in the section 7(6) of the Act, penalties under section 7(1) of the Act and recommend disciplinary action under the Act.

3. The Opponent in the reply to this complaint has stated that the demand draft dated 31/10/2008 which the Complainant has sent to the Opponent has not been received and that the Opponent has made clear by letters dated 06/10/2008 and 14/10/2008 that the fee amount should be deposited in the office of Joint Director of Accounts, PHQ Panaji being the Public Information Officer of the public authority and the Opponent referred to the Circular No. DI/INF/RTI/CP/FA/08/7208 dated 08/01/2009 issued by the Department of Information and Publicity, Government of Goa and payment of fees should be made in favour of Accounts Officer of the concerned public authority and that the Accounts Officer of the Opponent is the Joint Director of Accounts, PHQ Panaji and the information was ready within time limit and intimation also was sent to the Complainant well in time.

4. In the request dated 11/09/2008, the Complainant sought the information from the Opponent and required to know in what manner the Police Officers are authorized to book the cases under sections 113 and 114 of Motor Vehicle Act and compound the offences and provide the certified copy of the Circulars and Notifications allowing the Police Offices to compound the offences. Secondly to provide copy of the notifications/circulars showing amount of compensation fees for compounding offence. The Opponent by communication dated 06/10/2008 stated that the information sought by the Complainant was ready and the same to be collected by the Complainant on depositing required fees in the office of the Joint Director of Accounts, PHQ, Panaji.

5. It is contention of the Opponent that the information could not be provided as no payment of the fees has been done by the Complainant and the Opponent did not receive the demand draft. Though the

Complainant has submitted the copy of the demand draft, there is nothing on record indicating the demand draft was received by the Public Information Officer. The Complainant should have sent this demand draft by Registered A/D so that the same has been received by the Opponent. In fact the Complainant sought the information at the initial stage by post and submitted the A/D card as proof of such receipt. In the same manner the Complainant ought to have sent the demand draft with A/D as a proof to show that Opponent received the demand draft. In the absence of such proof, it cannot be said that the Opponent failed to provide the information to the Complainant. Moreover by letters dated 06/10/2008 and 14/10/2008 the Opponent has specifically mentioned that the fees to be deposited with the Joint Director of Accounts, PHQ, Panaji and inspite of the direction mentioned in these letters, the Complainant by letter dated 31/10/2008 sent a demand draft in a name of Public Information Officer, Superintendent of Police, Traffic, Panaji.

6. Since the information required by the Complainant by his request dated 11/09/2008 has been provided by the Opponent by letter dated 06/10/2008 stating that the information is kept ready and the Complainant to obtain them on payment of fees, there is no question of any delay or negligence on the part of the Opponent to provide the information. Still the Complainant can obtain this information on payment of fees payable to the Joint Director of Accounts, PHQ, Panaji. With these observations, the Complaint is disposed off.

Pronounced in the open court on this 17th day of June, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

