

GOA INFORMATION COMMISSION

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

Appeal No. 02/2008

Mr. Bonfilio Carlos Da Cruz,
H. No. 798/3, Sobitai, St. Mary's Colony,
Miramar, Panaji – Goa.

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Appellant.

V/s.

1. First Appellate Authority,
The Inspector General of Police, Goa,
Police Head Quarters, Panaji - Goa.
2. Public Information Officer,
The Superintendent of Police, South District,
Town Police Station, Margao – Goa.

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Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Dated: 13/08/2008.

Appellant present in person.

Adv. Durga Kinlekar, Government Counsel for both the Respondents.

ORDER

The Appellant approached the Respondent No. 2, Public Information Officer, by a request dated 5/11/2007 under the Right to Information Act, 2005 (RTI Act for short) to give him information on 4 points in connection with a N. C. case No. 246/07 dated 25/05/2007 of Cuncolim Police Station registered by the Appellant himself. The Public Information Officer has replied promptly on 22/11/2007. Not satisfied with the reply, the Appellant approached the Respondent No. 2, first Appellate Authority with an appeal which was disposed off by him by his order dated 17/03/2008. The first Appellate Authority while dismissing the appeal has ordered "since this matter does not pertain to the Police Department, I have requested the appellant to approach the Returning Officer of the concerned constituency." This is because instead of appreciating the pointwise request for information made by the Appellant and the reply given by the Public Information Officer seriatum, the Appellate Authority had framed his own issue after speaking to the Appellant during the course of hearing before him.

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2. Notices were issued and the Appellant was present in person. Adv. Durga Kinlekar appeared for both the Respondents. The written submissions are also made by the Public Information Officer. In addition, written arguments were filed by the Public Information Officer. At the time of the arguments, Appellant submitted that he received the detailed information requested after approaching this Commission by way of this second appeal. He is aggrieved by the late submission of the reply. The complete sequence of events were detailed by the Public Information Officer in his reply dated 4/6/2008 before this Commission. The complaint by the Appellant was registered as an N.C. complaint by the Police. They cannot investigate into the complaint without an order from the Magistrate. The matter of construction of road in the property of Appellant during the period of code of conduct was informed by the Police to the Returning Officer concerned. This matter of breach of code of conduct has to be enquired into by the Election Commission. As such nothing survives further in this appeal. As regards the delay in giving the information, we find that the reply given by the Public Information Officer in the first instance, though not in detail, meets the questions posed by the Appellant with respect to the N. C. case No. 246/07 filed by him as per his request.

3. In view of this above discussion, the appeal is dismissed.

Pronounced in the open court on this 13th day of August, 2008.

Sd/-
(A. Venkataratnam)
Chief Information Commissioner

Sd/-
(G. G. Kambli)
State Information Commissioner