

GOA INFORMATION COMMISSION

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

Appeal No. 108/2007-08

Shri Samiro Pereiro
H.No. 50, Orlim,
Gontonaik Vaddo, Salcette Goa. ... Appellant.

V/s

1. The First Appellate Authority,
The Deputy Inspector General of Police,
PHQ, Panaji – Goa. ... Respondent No.1.

2. The Public Information Officer,
The Superintendent of Police (South),
Town Police Station,
Margao – Goa. ... Respondent No.2.

CORAM:

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

(Per G. G. Kambli)

Dated: 11/03/2008.

Appellant absent at the time of arguments.

Shri K. L. Bhagat, Govt. Counsel for the Respondent

J U D G M E N T

The Appellant vide his request dated 23/07/2007 sought information from the Respondent No.2 on 8 points under the Right to Information Act 2005 (for short the Act). The point No. 7 pertains to the inspection of certain records which was allowed by the Respondent No. 2 as can be seen from the letter dated 13/08/2007 of the Respondent No. 2.

2. As regard the information pertaining to the point No. 1, 2 and 3, the Respondent No. 2 informed the Appellant vide letter dated 20/08/2007 that the information was awaited from the Sub-Divisional Police Officer, Margao and the same will be furnished no sooner the same is received by his office.

...2/-

As regard the point No. 4, the Respondent No. 2 informed that no any DA is pending against PSI, Kapil Nayak. Regarding point No. 5, the Appellant was informed to collect the information on payment of the prescribed fees. As regards point No. 6, it was informed that the information is Nil and regarding point No. 8 it was informed that the present address of Mr. Morgan Pereira is not available at Colva, Police Station. Subsequently, by letter dated 22/08/2007 the Respondent No. 2 requested the Appellant to collect copies of the certain documents mentioned therein on payment of the prescribed fees. The Respondent No. 2 also informed the Appellant that his request for information on point No. 1 and 2 was rejected under section 2 (1) (f) of the Act as it does not cover in the ambit of the Act.

3. Feeling aggrieved by the reply of the Respondent No. 2, the Appellant preferred an appeal before the Respondent No. 1 who by his order dated 1/10/2007 rejected the Appeal and upheld the decision of the Respondent No. 2.

4. The present appeal is filed against the said decision dated 01/10/2007 of the Respondent No. 1 on the various grounds as set out in the memo of Appeal. Upon issuing the notices the Respondent No. 2 filed affidavit in reply. Shri K. L. Bhagat, Government Counsel appeared for the Respondent.

5. The Appellant sought the information at point No. 1 requesting the Respondent No. 2 to furnish detailed procedure in case of civilian complaints on Police Officers of the rank PI, PSI and Constable/Hawaldars and at point No. 2 requested the Respondent No. 2 to inform the time taken to initiate action on such Complaints lodged with the Superintendent of Police. The Respondent No. 2 sought the information from the sub-divisional Police Officer, Margao. As can be seen from the letter dated 06/08/2007, the Sub-Divisional Police Officer, Margao did not provide any information on points No.1 and 2 but left the matter for the decision of the superior.

6. The Respondent No. 2 in his affidavit in reply, submitted that the Appellant sought the procedure to deal with the Civilian Complaint against

the Police Officer and the time taken to initiate action on such complaint. The said information sought by the Appellant is merely the explanation and clarification and the same does not qualified to be information under section 2 (f) of the Act. The Respondent No. 2 also submitted that reading the sections 2 (f), 2(i), 2(j) together of the Act, the Citizen is entitled to information which is available in any material form with the Public Authority.

7. The Appellant had sought the information on point No. 1 and 2 regarding the procedure followed by the Department and also the time taken for action in respect of the Complaints filed against the Police Officers. In our view, we do not feel that the Appellant wanted any explanation or clarification from the Public Information Officer the Appellant wanted to know the procedure followed by the Police Department to investigate the Complaint filed by the Civilian against the Police Officers. We feel that the procedure for investigation must have been laid down in the law or there may be some administrative instructions to be followed in dealing with the complaints as and when any complaint is filed. In case there is no procedure laid down statutorily or otherwise the Public Information Officer can inform the Appellant accordingly. Regarding the point No. 2, Appellant wanted to know the time limit for taking actions on the Complaint filed by the Civilians against the Police Officers. This is also a mater of record if it is mentioned in any guidelines issued by the Government or the citizen's charter prepared by the department. If no time limit is prescribed in writing, the same could be informed to the appellant in as many words.

8. Coming now to the information pertaining to point No. 4, the Appellant wanted to know the number of police inquires and departmental inquires pending against PSI, Kapil Nayak. The Respondent No. 2 has provided only a part of the information i.e. regarding departmental inquiries and no information is provided on the Police inquiry. Regarding the information pertaining to the point No. 6, the Respondent No. 2 has informed that the information is Nil and as regard the information on point No. 8 it was informed that no present address of Morgon Pereira is available at Colva, Police Station. The Appellants grievances are that the Respondents

in response to the earlier application had provided the address of Shri Morgan Pereira of Kudal, Maharashtra in another not available at Colva P.S. and still yet in another the address was mentioned as Figuelem Godinho guest house Navelim. The Appellant wanted to know the present address of Morgan Pereira which is not available in record with the Colva police Station. Hence we do not see anything wrong in the information provided on point No. 8 and similarly, at point No. 6.

9. It will be seen from the above that the Respondent No. 2 has wrongly rejected the request of the Appellant at point No. 1. Similarly, the Respondent No. 2 provided incomplete information on the point No.2 & 4 as no information was provided regarding the Police inquiry.

10. The Respondent No. 2 in his letter dated 20/08/2007 and 22/08/2007 had requested the Appellant to collect the copies of the documents on payment of prescribed fees indicated. The Respondent No. 2 ought to have calculated the fees and informed the Appellant the amount payable in terms of clause of sub-section (3) of section 7 of the Act. We, therefore, direct the Public Information Officer to invariably calculate and inform the same to the Citizens as required by the said provisions of the Act.

11. In view of the above we pass the following order: -

ORDER

The Appeal is partly allowed. The Respondent No. 2 is directed to provide the information to the Appellant on point No. 1 and the remaining information on point No. 4 within 15 days from the date of this order and file the compliance report before this Commission on 27th March, 2008 at 11.00 a.m.

Announced in the Open Court on this 11th day of March, 2008.

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

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner.