

GOA INFORMATION COMMISSION

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

Appeal No. 67/2007-08/Police

Shri. Joao C. Pereira,
H. No. 40, Acsona, Utorda,
Majorda, Salcete - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Suptd. of Police (HQ),
Police Headquarters,
Panaji - Goa.
2. First Appellate Authority,
The Dy. Inspector General of Police,
Police Headquarters,
Panaji - Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 27/12/2007.

Appellant in person.

Adv. K. L. Bhagat for both the Respondents.

ORDER

This disposes off the second appeal dated 14th September, 2007 filed against the order of the first Appellate Authority dated 7/9/2007, the Respondent No. 2 herein, dismissed the first appeal and upheld the reply of the Respondent No. 1 herein, Public Information Officer, given to the Appellant on 9/1/2007 in response to his request for information dated 16th June, 2007. The Public Information Officer has replied to 2 questions out of 7 asked by the Appellant. The remaining 5 were rejected as no records are available.

2. On notices having been issued, both the Respondents have filed their written statements. Adv. K. L. Bhagat argued for the Respondents. The matter relates to an internal inquiry by DGP, Mr. B. S. Brar, in response to an application dated 2/01/2007 by the Appellant to the Personnel Department of Goa Government requesting sanction for prosecution of the Respondents 1 and 2

...2/-

under section 197(1)(b) of Cr.P.C. The DGP replied to the Under Secretary (Personnel - II) by his letter dated 8/3/2007 not recommending the sanction for prosecution. Both the letters are on record. It is on this letter, the Appellant has filed the present request asking for information as to how the DGP has formed his opinion and what kind of internal inquiry he has conducted and from whom he has obtained factual reports. The information provided by the Public Information Officer mentions that no such information is available on record and hence, he is unable to give reply to the specific questions. This has also been upheld by the first Appellate Authority. Interestingly, the sanction for prosecution is asked by the Appellant against the very same officers i.e. Suptd. of Police (Headquarters) who is the Public Information Officer and the DIG - II who is the first Appellate Authority. While we are not disputing that the information which is not on record cannot be given by the Public Information Officer in this particular case, it would have been more appropriate for another officer to reply to the query of the Appellant as well as the appeal should have been heard by another officer temporarily authorizing them only for this case by the DGP. However, as no decision/information was available in record for the above 5 points, we do not find anything wrong in the reply. Accordingly, the second appeal fails and is dismissed.

Pronounced in the open court on this 27th day of December, 2007.

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

Sd/-
(G. G. Kampli)
State Information Commissioner, GOA.

/sf.