

GOA STATE INFORMATION COMMISSION

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

Appeal No. 71/2006/Police

Shri Sushant P. Nagvenkar
H. No. C-312, Fondvem,
Ribandar - Goa. 403 006

..... Appellant.

V/s.

1. Public Information Officer
Superintendent of Police,
Police Headquarters, Panaji - Goa.
2. First Appellate Authority
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: 07/03/2007.

Appellant in person.

Shri Prakash Gawas, O.S. in DGP's office represented the Respondent No. 1 and Shri C. D. Arlekar, Office Superintendent represented the Respondent No. 2.

ORDER

The Appellant by his second appeal dated 16/1/2007 prayed for the provision of the information to him as sought by him from the Respondents. He has also prayed to us to verify whether the Police Department has complied with the provisions of the Right to Information Act (for short the RTI Act) and whether "individual malafide intended in addressing the issue". The brief facts are that the Appellant by his various letters addressed various authorities in the Police Department at different times from DGP downwards to the DIG and SP, HQs., Panaji has requested some information consequent on his non-selection to the post of PSI. We are not able to find out which is exactly the first request made to the Public Information Officer under the RTI Act. By perusal of whatever papers submitted before us, we gather that he asked for the information on 1st September, 2006 to refund his application fees, presumably

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made by him while applying for recruitment for the post of PSI. He has also made another letter of the same date to the same authority, DGP, asking for information on 4 points at para No. 5 of his letter. This letter was replied by SP (HQs), Panaji on behalf of DGP. Regarding the refund of fees, the S.P. (HQs) by a separate communication dated 10/10/2006 informed the Appellant that the matter is taken up with the Government of Goa and their reply is awaited. Obviously, not satisfied with this reply, the Appellant made his first appeal on 20th November, 2006 to the DIG. This was also replied by the SP (HQs), Panaji, this time as a Public Information Officer. The reply given by him is same as his earlier letter. We do not find any order by the Appellate Authority but a note passed on by the DIG to the SP (HQs), copy endorsed to the Appellant. Not satisfied further, he has made this second appeal.

2. Notices were issued to the Respondents and the Appellant. The Appellant was present in person and Shri Prakash Gawas represented the Respondent No.1 with authority letter and Shri C. D. Arlekar represented the Respondent No. 2. Besides, on the day of the hearing a combined written statement on behalf of both the Respondents was filed by the Respondent No. 2. In the written statement before us, they have mentioned that replies are already given on 4/9/2006, on 15/12/2006 and finally on 27/1/2007.

3. On the perusal of the file, we find that whatever Appellant has asked for the information has already been supplied by the Public Information Officer. The recruitment rules copy has been given to him and the refund of application/examination fee is taken up with the Government. They informed him that no provisions exist in the recruitment rules of the posts of Police Sub Inspector to relax physical standard for the Ex-servicemen. We, therefore, find that there is no merit in the second appeal and hence reject it. We hereby reject the appeal as the information is already provided.

4. Before parting with the case, we would like to observe that the Public Information Officer and the first Appellate Authority acted as independent statutory authorities under the RTI Act. The Public Information Officer is supposed to give the information or reject it with reasons in his own capacity. He cannot take orders from his superiors in arriving at decisions under the Act. Similarly, the first Appellate Authority has to pass speaking orders allowing or

rejecting the appeal with reasons to be recorded in writing. He cannot send "notes" to the Public Information Officer, even if the Public Information Officer is his subordinate. Both authorities have to dispose off the matters under RTI Act before them within the statutory period of 30 days. The first Appellate Authority gets another 15 days but he has to record his reasons in writing in the appellate order itself why the appeal could not be disposed within 30 days. We are compelled to make these observations as the Public Information Officer and first Appellate Authority in Police Department are not clear about many provisions of the RTI Act even more than one year after its implementation.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kambli)
State Information Commissioner