

GOA STATE INFORMATION COMMISSION

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

Appeal No. 95/2006/POL

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

..... Appellant.

V/s.

1. Public Information Officer
Superintendent of Police (South),
Town Police Station,
Margao - Goa.
2. First Appellate Authority
Deputy 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)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated: 16/04/2007.

Appellant in person.

Authorized officer of both the Respondents present.

ORDER

The Appellant approached the Respondent No. 1 on 13/10/2006 "to allow him to inspect the station diary records of Verna Police Station for certain dates as mentioned therein". The Respondent No. 1 has rejected the request by his letter dated 27/10/2006 under Section 8(1)(g) of the Right to Information Act, 2005 (for short the RTI Act). On appealing to the Respondent No. 2, an order was passed by him on 6/12/2006 allowing the appeal partly and directing the Respondent No. 1 to give copies of the station diary. Subsequently, the Respondent No. 2 has issued another corrigendum on 15/12/2006 behind the back of the Appellant setting aside his own earlier order. When the Appellant approached the first Appellate Authority once again on 22/12/2006 asking him why the corrigendum was issued, he was informed that the corrigendum dated

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15/12/2006 "stands".

2. It is interesting to note that the first Appellate Authority has rescinded his own order in a matter of few days completely negating his own earlier order. We do not know what to call this as even the review of an order only changes a portion of the order and not completely sets aside an order passed by the same authority. This can be done only by a higher Appellate Authority. Besides, there is no provision under the RTI Act to review one's own order by any of the authorities namely PIO/FAA/the Commission. There are no such inherent powers because all these authorities are quasi-judicial authorities and are only Tribunals. The law is well settled that no Tribunal can review its own decision unless there is a specific provision in the statute to that effect.

3. We are also surprised that the Appellate Authority did not think it fit to give another opportunity to the Appellant while issuing the corrigendum. Again, while the rejection by the Public Information Officer is under Section 8(1)(g), the present corrigendum is issued under Section 8(1)(h) based on some advice which the Police Department is supposed to have received from the Directorate of Prosecution and which is not placed on record of this Commission. In any case, we find that the action/corrigendum of the Respondent No. 2 is not known to law or procedure and deserves to be set aside and is hereby set aside. We also set aside the letter dated 27/10/2006 of the Public Information Officer. The Public Information Officer is directed to provide the access to the information and inspection of the case diary recordings as requested by the Appellant by his request dated 13/10/2006 in the next 15 days. Compliance should be reported to the Commission. Order to be sent to the parties by post.

(A. Venkataratnam)
State Chief Information Commissioner

(G. G. Kambli)
State Information Commissioner