

## **GOA INFORMATION COMMISSION**

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

Appeal No. 98/2007-08/Police.

Shri. Subhash B. S. Jetha,  
D-5, Junta House,  
Mapusa, Bardez – Goa.

..... Appellant.

V/s.

1. The Public Information Officer,  
The Superintendent of Police (North),  
Office of the Superintendent of Police (North),  
Porvorim - Goa.
2. The first Appellate Authority,  
The Deputy Inspector General of Police,  
Police Headquarters, Panaji – Goa.

..... Respondents.

Complaint No. 48/2007-08/Police.

Shri. Subhash B. S. Jetha,  
D-5, Junta House,  
Mapusa, Bardez – Goa.

..... Complainant.

V/s.

The Public Information Officer,  
The Superintendent of Police (North),  
Office of the Superintendent of Police (North),  
Porvorim - Goa.

..... Opponent.

### **CORAM:**

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

(Per A. Venkataratnam)

Dated: 11/03/2008.

Appellant/Complainant in person.

Adv. Shri. K. L. Bhagat for Respondents/Opponent.

### **ORDER**

Both these cases are taken up together as the subject matter is the same and parties also are the same except in the case of the second appeal wherein the first Appellate Authority is also added as the Respondent No. 2. The facts, in brief, are that the Appellant requested the Public Information Officer on 12/07/2007 for certain information under the Right to Information Act, 2005 (RTI Act for short) and to provide certain documents. Infact, he has made a number of applications to the Police and the Public Information Officer, some under the RTI Act, some in the normal course of his correspondence. Nine such letters are mentioned in his application dated 12/07/2007 under the RTI Act. He wanted to know the progress of investigation/inquiry/trial in various matters brought to the notice of the Police by him from time to time.

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2. Having received no reply within 30 days, he has appealed to the Respondent No. 2, the first Appellate Authority, on 13/08/2007. The first appeal came to be heard by the Respondent No. 2 who has passed an order dated 28/09/2007 in which, he directed the Public Information Officer to (i) to furnish the information as requested by the Appellant on 12/07/2007 "if the information is available on records"; (ii) and an FIR should be registered in the matter of the threatening calls received by the Appellant. This order is termed as the "impugned order" herein afterwards. During the course of the filing of the second appeal, the Respondent No. 2 was transferred out of Goa and Inspector General of Police was given the powers of the first Appellate Authority who has submitted a reply to the notice served on the Respondent No. 2.

3. It is the contention of the Appellant that the information requested was not completely given to him and wherever is given is incomplete, incorrect and misleading. He has also objected to the wording "if available on records" in the impugned order and prayed in the second appeal filed before us on 13/11/2007, to quash and set aside the impugned order and at the same time prayed that the Respondents may be directed to furnish information sought by the Appellant. He has also requested for taking disciplinary action and starting penalty proceedings against the Respondent No. 1. In the complaint, he has submitted the same prayers except for making the first Appellate Authority as a Opponent. This is the only difference between second appeal and the complaint.

4. Notices were issued in both the cases and parties were heard. The Appellant/Complainant argued for himself apart from submitting the rejoinder to the replies submitted by both the Respondents. On behalf of the Respondents/Opponent, Adv. K. L. Bhagat argued the matter. The case of the Respondents is that the information is already supplied by the Public Information Officer on 13/08/2007 which was received by the Appellant/Complainant after he filed his first appeal. All the letters mentioned by the Appellant/Complainant in his application dated 12/07/2007 at para 2 thereof have also been similarly replied at various times and that the appellate order of the first Appellate Authority was already complied with. The Appellant/Complainant on the other hand contents that the replies are vague and incorrect and that the direction of the first Appellate Authority to register an FIR in the impugned order was complied with by the Police after receipt of a notice from the Information Commission.

5. It is necessary to go into request and the reply by the Public Information Officer in some detail to appreciate the contention of both the parties. If we look at the original request dated 12/07/2007 it contains 11 points, some of which are by way of information and background and some of them make specific request for reply from the Public Information Officer. It is the case of the Appellant/Complainant that the points 6 to 11 have not yet been replied and that 1 to 5 have been incorrectly replied. The first point is about the threatening calls received by the Complainant/ Appellant from the Mobile No. 9860939453 to the Mobile number of the Complainant 9860112493. It is the case of the Police that they had to call for the information from the service provider,

Airtel, and hence, it has taken some time. However, they have informed the Complainant that no such calls were made from 9860939453 to the Complainant's mobile. To this effect, they have also produced the details of the call register provided by the Airtel. The Complainant still insists that such calls were received on his mobile and hence, the information supplied by the Police is incorrect. We cannot go into the veracity of the information provided by the service provider. Hence, we consider that the information provided by the Police is not incorrect. However, the truth will come out during the further investigation for which an FIR is already registered by the Police as directed by the first Appellate Authority.

6. The point No. 2 of the request contains only the list of the earlier letters written by the Complainant. Point No. 3 is regarding the registration of an offence No. 169/2006 which is stated to be under investigation. The latest position is still that it is under investigation. The Police should finalise the investigation at an early date and inform the Complainant of the result of their investigation.

7. All other letters have also been replied by the Police as mentioned in their written statement and we have no reason to doubt their statement. However, wherever the matters are under investigation/or under trial after the chargesheet is filed in the Criminal Court or the SDM Court, the Public Information Officer should give a consolidated reply to the Complainant/Appellant the position of all such cases as on date of the pronouncement of this order within 15 days.

8. We have gone through the papers and satisfied that the Public Information Officer has taken steps from time to time to reply to all the queries of the Appellant/Complainant. Hence, we do not find it necessary to initiate either penalty proceedings or recommend disciplinary proceedings against the Respondents/Opponent.

9. As per the above discussion, the appeal/complaint are partly allowed with a direction to the Public Information Officer to inform the Appellant/Complainant within 15 days from the date of this order the latest position of all the cases pending investigation/trial in various courts, and the disciplinary case against the investigating officer.

Pronounced in the open court on this 11<sup>th</sup> day of March, 2008.

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

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