

GOA INFORMATION COMMISSION

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

Complaint No. 14/2007-08/Police

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

..... Complainant.

V/s.

1. The Superintendent of Police (South),
Public Information Officer,
Margao – Goa.
2. The Dy. Inspector General of Police,
First Appellate Authority,
Police Head Quarters,
Panaji – Goa.
3. Shri Nolasco Raposo,
The Police Inspector,
Verna Police Station,
Verna – Goa.

..... Opponents.

CORAM :

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

(Per A. Venkataratnam)

Dated: 10/09/2007.

Complainant in person.

Adv. Harsha Naik for the Opponents.

ORDER

This complaint is filed on 13th May, 2007 against the non-execution of an order of the Opponent No. 2 dated 13/12/2006 by the Public Information Officer, Opponent No. 1 herein. The matter had earlier come up before this Commission in complaint No. 58/2006 wherein an order was passed on 20/04/2007. The brief facts are that a request was made by the Complainant herein on 30/8/2006 to the Public Information Officer, Opponent No. 1 herein, regarding the inspection of some files of the Verna Police Station including "an enquiry file on the complaint of Mr. Surjit Borkar dated 5/9/2005". As his request was not complied with by the Public Information Officer, a first appeal was filed under the Right to Information Act, 2005 (for short the RTI Act) before the Opponent No. 2 who allowed the request by his order dated

...2/-

13/12/2006 as already mentioned. The order mentions "After perusing the appeal, Respondent Public Information Officer, S.P. South, is hereby directed to grant the request of the Appellant made vide his letter of 30/08/2006." This order passed after hearing Public Information Officer was not implemented by the Public Information Officer till date. The Public Information Officer directed the Opponent No. 3 to provide access to the file but the Opponent No. 3 has not so far implemented the orders of the first Appellate Authority and the Public Information Officer. A complaint was made thereafter, to this Commission and an order was already passed in the complaint No. 58/2006 directing the Public Information Officer to implement the first Appellate Authority's own order. The position is that, till today even after direction was given by this Commission as well as the first Appellate Authority, the Complainant was not provided access to the file. The order dated 20/4/2007 in complaint No. 58/2006 should be read as part of this order.

2. When notices were issued in this complaint No. 14/2007, the Public Information Officer and the first Appellate Authority, Opponent No. 1 and 2 herein have deputed the Opponent No. 3 herein to represent them. In addition, Adv. Harsha Naik put in her appearance on behalf of all Opponents only to request adjournments on the ground that a Writ Petition is likely to be filed against this Commission's earlier order which is not done as yet till the last day of the hearing. The case was adjourned 4 times on 25/06/2007, 9/07/2007, 23/7/2007 and 10/8/2007. Finally on the last day of the hearing on 3/9/2007 there was no any effort to either file any written statement or argue the matter. An adjournment application was moved again on the same ground that Writ Petition is likely to be filed which was rejected.

3. As the matter was already decided by this Commission on 20th April, 2007, there is nothing further to be decided. The enquiry file of the complaint of Mr. Surjit Borkar dated 5/9/2005 should be shown to the Complainant as already ordered by us on 20/4/2007 and it is the duty of the first Appellate Authority to get his own order dated 8/12/2006 implemented, which is not set aside by any other higher authority. This is not only a violation of RTI Act provisions but also amounts to disobedience of lawful orders of superiors by the Opponent No. 3, who is a subordinate of both the Opponents No. 1 and 2. A copy of this order should be sent to the Chief Secretary who is the Administrative Secretary of Home Department for necessary action.

4. We mentioned the words “case diaries” in our earlier order of 20th April, 2007 though there is no such request in the Complainant’s original request of 30/08/2006. We clarify that this happened only because the Opponent No. 2, first Appellate Authority under RTI Act, mentioned the above words in his written statement in the earlier case before us.

Pronounced in the open court on this 10th day of September, 2007.

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

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

/sf.
pg/dk.