

GOA INFORMATION COMMISSION

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

Complaint No. 74/2007-08/Police

Advocate N. K. Maruthi Rao,
No. 5, I Cross, Adarsh Colony,
V. V. Nagar, Belgaum – 590 001.

..... Complainant.

V/s.

The Public Information Officer,
The Superintendent of Police, South Goa,
Town Police Station, Margao – Goa.

..... Opponent.

CORAM :

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

(Per A. Venkataratnam)

Dated: 15/04/2008.

Complainant present in person.

Shri. Santosh Dessai, P.I. Margao Police Station represented the Opponent.

ORDER

This disposes off the complaint filed on 25th February, 2008 praying that the Opponent be punished for not-supplying the information asked by the Complainant earlier by his application dated 16/01/2008. Notices were issued and the Complainant argued for himself. The Opponent was represented by Shri. Santosh Dessai, P.I. authorized person. Written arguments were also submitted by the Complainant.

2. By his application dated 16/01/2008, the Complainant asked for the information regarding the registration of the death of one Ningappa Siddappa Arabavi alias Raju at Margao and requested for a copy of the death certificate registered by the Registrar of Births and Deaths, Margao. He also asked for certain other information regarding the notifications published under sections 4 and 5 by the Opponent. The Public Information Officer, thereafter, sent a communication on 5th February, 2008 through the Belgaum Police asking the Complainant to come and collect the information on any working day. Instead of going personally to Margao to collect information,

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the Complainant has further written to the Public Information Officer that it be supplied by post and he has also mentioned that the cost of information was not informed to him. As he did not receive any information upto the day of this complaint, the present complaint is filed before the Commission requesting for relief as mentioned above. In addition to the request to punish the Public Information Officer, the Complainant has requested for the supply of information free of cost as it was not given to him within statutory limit of 48 hours as per section 7(1) of the RTI Act.

3. The Public Information Officer on the other hand, submitted his say stating that he had taken prompt action to inform the Complainant and made correspondence as many as three times on 4th February, 5th February and 7th February, 2008 through S.P. Belgaum and P.I. Tilakwadi. As to the cost of information, he has prepared a letter informing the Complainant to pay Rs.107/- by Demand Draft. However, before this letter could be posted, the Complainant has collected the information personally by paying Rs.52/- for the documents and Rs.10/- for the application fee.

4. Under section 19(1) of the RTI Act, a first appeal lies against the deemed refusal of information by the Public Information Officer. The contention of the Complainant is that he was not made aware of the name and designation of the first Appellate Authority by the Public Information Officer as required under section 7 (8) thereof. Normally, the Commission takes up the second appeal only after the Appellant/Complainant exhausts the remedy of the first appeal. However, in this case, we have admitted and considered the complaint under section 18(1) of the RTI Act because the Complainant claims no knowledge of the first Appellate Authority.

5. We have noted that the Complainant has not enclosed either the Demand Draft of Rs.10/- payable to the Public Information Officer nor the court fee stamp was affixed on the request of application. On the other hand, the Complainant has enclosed the postal order for Rs.10/- dated 27th November, 2007 though the application for information itself was sent by post on 16th January, 2008. As per the Fee Rules prescribed by the Goa Government, payment by IPOs is not a recognized mode of payment of fees. We have, therefore, noticed that the provisions of section 6(1) of the RTI Act were not complied by the Complainant. However, we have already held in a number of cases that though the payment of application fee of Rs.10/-

alongwith request of application is a condition precedent for the consideration of the request for information by the Public Information Officer, this Commission held that this is a remediable defect and the amount can be collected by the Public Information Officer at the time of furnishing the information. We have also noted that Rs.10/- was again collected by the Public Information Officer on 25th February, 2008 when the information was collected by the Complainant in person from the Public Information Officer. There is also a letter dated 5th February, 2008 on record prepared by the Public Information Officer but not posted which mentions, inter alia, that the death of Ningappa Siddappa Arabavi alias Raju is not reported to the Police Station of Margao. However, the P.I., Margao Police Station has already submitted a report of death of an unknown male person on 7/11/2006 to the Registrar of Births and Deaths, Margao. As there is no identification of this unknown person neither the Registrar is able to give the death certificate in the name of Raju nor the S.P. Margao who is the Public Information Officer herein is able to confirm the death of Raju. We are not aware what are the documents given by the Public Information Officer and whether it meets the requirements of the Complainant. The point is that the Police Department is not the registration authority of the births and deaths and therefore, cannot give any death certificate either in the name of Raju or anybody else.

6. The next grievance/prayer of the Complainant is regarding non-furnishing of the information of the Police Department under sections 4 and 5 of the RTI Act. Admittedly, such an action has to be taken by the public authority under sections 4 and 5 of the RTI Act and the Public Information Officer has nothing to do with this. However, Public Information Officer ought to have informed the name and designation of the first Appellate Authority to the Complainant. Though there is no explanation for this by the Public Information Officer in his reply, we find on record that the Public Information Officer did not reject any application of the Complainant. On the other hand, he had only asked the Complainant to come and collect the information. In such situation, informing the name and designation of the first Appellate Authority does not arise.

7. The next grievance/prayer of the Complainant is that the information should be supplied within 48 hours as per proviso to section 7(1) of the RTI Act. This provision applies in case of threat to the life and liberty of the

citizen who had applied for this information. No such threat to the life and liberty of the Complainant is made out in the complaint or during the course of the argument. We fail to see how this provision is applicable in this case. Normally, a maximum time limit of 30 days applies in this case. Though the information was finally collected by the Complainant on 25th February, 2008, we find that the Public Information Officer has taken diligent steps to inform Complainant promptly about the request for information.

8. The Complainant has further asked for refund of Rs.891/- on the ground that the information had to be supplied free of charge because it is not supplied in time and he has to be paid transport charges and dietary allowances for having come to Goa in connection with this complaint and also to collect information from the Public Information Officer. There is no such provision under the RTI Act to award costs to the applicants and hence, this prayer is rejected.

9. For the above reasons, the complaint is devoid of any merit and is dismissed.

Pronounced in the open court on this 15th day of April, 2008.

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

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