

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza State Information Commissioner.

Appeal No. 204/SIC/2011

Lavu Suryaji Mamledar,,
F/2 Naik Residency,
Near Municipality,
Ponda-Goa .

..... Appellant

v/s

1. First Appellate Authority
IGP, Police Department,
Panaji-Goa.

..... Respondent

2. Public Information Officer,,
Office of the Supdt. Of Police,
CID /Crime, Dona Paula.

Relevant emerging dates:

Date of Hearing: 10-05-2016

Date of Decision: 10-05-2016

ORDER



- 1 The brief facts of the case are that the Appellant had vide application dated 28/3/2011 sought certain information from the Respondent PIO under section 6(1) of the RTI Act 2005 pertaining to nine different points in respect of policemen Pandurang Gawas and Ulhas Mainkar who were suspended for misbehaving with a lady on phone.
- 2 The PIO vide his reply dated 25/4/2011 had stated at point no.1 that since no complaint is received from the lady hence information cannot be furnished. In point no. 2, it was stated that information sought is vague and information from Points 3 to 8 cannot be furnished as it may endanger the life of those persons and may impede process of inquiry and was thus rejected under Sections 8(1)(g) and 8 (1)(h) of the RTI Act. The PIO had stated regarding information sought at point 9 that the inquiry is completed.

- 3 The Appellant thereafter filed a First Appeal on 25/5/2011 which was disposed of by the FAA vide order on 14/7/2011 stating that information in respects to points 1, 2 and 9 has been furnished and information from 3-8 was rejected under Sections 8(1)(g) and 8 (1)(h).
- 4 Further, the FAA in the decision has stated that the Appellant has no locus standi in the matter being third party information. The PIO was directed to furnish Xerox copy of the information letter dated 25/4/2011 to the Appellant. The given reply by the PIO was upheld by the FAA and the Appeal was disposed off.
- 5 The Appellant not being satisfied with the FAA's order filed Second Appeal before this Commission on 20/9/2011 and in his prayer has prayed that information sought may be ordered to be furnished and appropriate penalty may be imposed.
- 6 During the hearing the Appellant Shri. Lavu Suryaji Mamledar is absent despite advance notice issued by Registered Post (RPAD) without intimation to this Commission. He was contacted telephonically by the Commission and stated that the information as sought by him should be furnished by the PIO.
- 7 The Respondents PIO and FAA represented by V. P. Karpe P.I. is present in person and submits that information sought by the Appellant in respect to points 1, 2 and 9 has been furnished and remaining information from 3-8 was rejected under Sections 8(1)(g) and 8 (1)(h) of the RTI Act as it pertained to the life and physical safety of the persons involved and may impede the process of inquiry.
- 8 The Commission notes that a reply dated 17/1/2012 has been filed by the PIO, Superintendent of Police, Crime Shri. M. K. Desai, confirming the facts. It is stated in the said reply in paragraph 5 that in pursuance to the FAA's order dated 14/07/2011, a copy of the reply letter No. SP/Crime/RTI/Pet.84/11/770/2011 dated 25/04/2011 was sent to the Appellant vide No. SP/Crime/RTI/ Pet.149/11/1227/2011 dated 26/07/2011.

- 9 The Commission observes that the PIO while supplying information at point 9 to the Appellant had clearly stated that the enquiry is completed and as such the question of any harm to physical safety of the persons involved or any question that the information may impede the process of enquiry itself does not and cannot arise.
- 10 Further the commission observes that the PIO in his reply has not made any mention that the information sought by the Appellant is third party information as such the Commission finds that the Order dated 14-7-2011 passed by the FAA in upholding the reply of the PIO is unreasonable and is therefore accordingly quashed and set aside.
- 11 The Commission directs the PIO in view that the matter pertains to the year 2011 and the said enquiry is completed to furnish the remaining information with respect to points from 3-8 to the Appellant within 30 days of the date of this order i.e latest by 15/06/2016 free of cost.
- 12 The said information should be sent either by Speed Post to the Appellant at his postal address or served hand delivery through the respective police station / SP Crime branch. The PIO is further directed to file a compliance report before this commission attaching a copy of the remaining information furnished to the Appellant.

With these directions the Appeal case is accordingly disposed off. All proceedings in Appeal case stand closed. Pronounced in open court before the parties who are present. Notify the parties concerned. Authenticated copies of the order be given free of cost.

sd/ -

(Juino De Souza)
State Information Commissioner



Under Secretary
Goa State Information Commission
Panaji - Goa.