

# GOA STATE INFORMATION COMMISSION

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

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**Appeal No. 145/2016**

Menino Santana Fernandes,  
H.No. 728/D, Sonum Township,  
Nessai, Sao Jose de Areal,  
Salcete Goa

..... Appellant

**V/s.**

1. Public Information Officer  
Shri Dinraj R. Govekar,  
Dy. Superintendent of Police,  
South Goa, Margao Goa.

2. First Appellate Authority  
Shri Shekhar Prabhudesai,  
Superintendent of Police,  
South Goa.

..... Respondents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Filed on: 16/08/2016**  
**Decided on: 13/07/2017**

## **ORDER**

1. The brief facts leading to the present appeal are as under:  
In exercise of his right u/s 6 (1) of the RTI Act , 2005 , the Appellant Shri Menino Fernandes filed application on 25/4/2016 to the PIO , sub-division police officer, Margao Goa , thereby seeking the certified copies of the station dairies for the period from 00.01 a.m. on 6/4/2015 to 24.00 on 16/4/2015 of the Maina Curtorim Police station and Margao town police station .
2. The said application was responded by the Respondent No.1 PIO on 6/5/16 thereby denied the information to the appellant u/s 8 (1)(e) (g) (h) and (j) of the RTI Act ,2005 .
3. Being aggrieved by the action of Respondent No.1 PIO, the appellant filed first appeal on 12/5/2016 as contemplated u/s 19 (1)of RTI act before the Respondent No.2 Superintendent of police , South-Goa

being first appellate authority and the Respondent No.2 disposed the said appeal on 6/6/16 with the directions to PIO to furnish the relevant extract of station diary of Margao Town PS and Maina Curtorim PS between 00.01 a.m of 6/4/2015 to 24.00 of 16/4/15 pertaining to the case of the appellant within 15 days on the receipt of the order .

4. In compliance to the order of Respondent No.2 FAA , the Respondent No.1 PIO furnished the information to the Appellant vide their letter dated 15/6/16 .
5. Being not satisfied with the information furnished to him , the appellant then approached this commission by way of second appeal on 16/8/16 on the grounds as mentioned in the memo of appeal , thereby seeking for the directions to the PIO for furnishing him the information as sought by him vide his application dated 25/4/16 and for invoking penal provisions .
6. After notifying the parties the matter was taken up on board for hearing . In pursuant to the notice of this commission , the appellant was present in person. Respondent PIO Shri Dinraj Govekar was present along with Advocate Kishor Bhagat .
7. Respondent NO.1 PIO filed his reply on 9/2/17.
8. It is the case of the appellant that Respondent No.1 PIO vide his letter dated 15/6/2016 provided some extracts of only Maina Curtorim PS pertaining to FIR 45/2015 for the period between 7/4/2015 to 14.4.2015 where as he had sought for the information also pertaining to the dates 6/4/16 to 16/4/16 .It is his further case that the station dairies of 6/4/15 were malafidely not provided to him.
9. It is the case of Respondent PIO that the said information was available with the respective police stations, as such he after obtaining the said from Respective APIO ,the Appellant was intimated vide their letter dated 15/5/16 to collect the same and the said information was collected by the Appellant on 1/7/16 .

Vide said reply also it was contended by the PIO that the request of the appellant for the release of the entire station diary of both the police stations for the period mentioned in the RIT application , is encroaching on the right of the other persons and the PIO is duty bound to protect the interest of the other persons as mentioned in the section 8 (1) of the RTI act . It was also contended that station dairies contains the information regarding the investigations and the disclosure would impede the process of investigation of other crimes also related to the third parties also and would cause unwarranted invasion of the privacy of the individual .

10 since Appellant claimed of having not furnished him complete information , in the interest of justice , the commission directed Respondent PIO to produce the station dairies of both the police station before this commission for verification and the said was verified in the presence of Appellant . The PIO agreed to furnish the extract of station dairies NO.77/15 and of 87/15 of date 6/4/15 and of No 58/15 and 64/15 of dated 13/4/15 pertaining to the Maina Curtorim police station as the same was desired by the Appellant and accordingly same came to be furnished to him on 29/3/17 by the PIO vide their letter dated 29/3/2017 .

11. Written arguments also placed on record by the appellant on 28/4/17 and also filed application on 23/2/17 seeking compensation and penalty as against Respondent PIO on the ground that he being senior citizen was mentally harassed and had to travel long distance on each occasion thereby causing him financial loss. In the written arguments he has raised certain issues which are beyond the scope and jurisdiction of this commission to deal with .

The Appellant have contended that important information has been still concealed by the PIO and the entries No.14 and 15 of both dated 7/4/2015 were not provided to him which he obtained under another RIT application . However the above statement was not

supported with any supporting documents. In the absence of any such supporting documents , it is not possible for the commission to draw any conclusions .

The appellant vide said written arguments also sought for directions for providing him station dairies of Maina Curtorim police station pertaining to picket police at Sonum township and also to provide him the entries as stated by him at para11 and 12 .

The appellant himself at para 12 have admitted of having received the said information under another RTI application, hence the question of direction for refurnishing the same information again does not arise at all. This opinion of mine is based on the ratio laid down by Hon'ble Punjab High Court in Writ petition (c) No. 5456/11 Karamjit Singh V/s State Information Commission Punjab.

Since the appellant has not clarified regarding the entries as stated by him at para 11 whether it pertains to the case of appellant or not, in absence of any such specification/clarification it is not appropriate on the part of this commission to give any directions .

12. The station dairy is an privilege document which contains confidential information such as the name of the prosecutrix of the rape case, the name of the informers, panchas, and other details of the investigation . It also includes the information pertains to third party and the investigation carried out in other grave crimes also . unless larger public interest is shown by the appellant , the same cannot be directed to be furnished . The Appellant has miserable failed to established that the information is required by him is in the larger public interest ,hence prayer of appellant for furnishing the entire copies of the stations pertaining to the period mentioned in his application dated 25/4/2016 cannot be granted .
13. Considering the above circumstance , I find no intervention of this commission is required Since the information pertaining to his case has been furnished by the PIO , the only point to be decided is

whether this is a fit case for imposing penalty to the PIO u/s 20 and for compensation u/s 19 (8)(b) of RTI act.

The Honble High court of Bombay , Goa Bench at Panaji , while dealing with a case of penalty ; writ petition No. 205/2007, Shri A.A. Parulakar v/s Goa state information commission ,has held

“The order of penalty for failure is akin to action under criminal law . It is necessary to ensure that the failure to supply the information is either intentional and deliberate. ”

Considering the above ratio and its applicability to the case in hand ,I find no ground to impose penalty and compensation against the PIO as the appellant has miserably failed to produce any cogent and convincing evidence that the information was deliberately and malafidely denied to him. Hence I am declined to grant prayer of penalty and compensation.

The Appeal disposed accordingly . proceedings stands closed .

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-  
**(Ms. Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa

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