

GOA STATE INFORMATION COMMISSION

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

CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner

Appeal No. 36/SCIC/2015

Shri Nitin Y. Patekar,
 R/o. H.No. 369,
 Oshalbag Dhargal,
 P.O. Colvale,
 Pednem
 GoaAppellant
 V/s

1. Public Information Officer,
 Sub-Divisional Police Officer,
 Mapusa-Goa
 2. First Appellate Authority (FAA),
 Superintendent of Police (North),
 Porvorim-Goa
- ...Respondents

Filed on: 10/03/2015

Decided on: 31/05/2017

ORDER

1. The Appellant, Shri Nitin Patekar herein by application dated 21/08/2014 filed under section 6(1) of the Right To Information Act, 2005 sought certain information from Respondent No. 1 PIO, Sub Divisional Police Officer, Mapusa pertaining to the Station diaries of Pernem Police Station relating to the dates 7/02/2014, 09/06/2014, 10/06/2014 and of 18/06/2014 and also sought for the information with regards to name of SHO on the above dates.

2. The Said application was replied on 16/09/2014 thereby providing information at point No. 2 and rejecting the information at point No. 1 under section 8(1)(h) of the RTI Act 2005. And hence the appellant filed 1st appeal to the Respondent No. 2, FAA on 8/10/2014.
3. The Respondent No. 2 FAA allowed the appeal and directed PIO to furnish the information viz relevant extract of the Station Diary of relevant date pertaining to Appellant only.
4. It is case of the Appellant that Police Inspector of Pernem Police Station offered him information pertaining to relevant entry in station diary and not of whole day as such the appellant preferred the second appeal under section 19(3) of the RTI Act, 2005 on 10/03/2015 before this Commission praying for the direction of furnishing information to him at point No.1.
5. Though the said appeal was not filed within the period of limitation, in the interest of justice the delay was condoned and notice was issued to the parties. In pursuant to which they appeared.
6. The Respondent No. 1 filed his reply on 8/02/2017 and also on 5/04/2017. The Respondent No. 2 filed his reply on 5/04/2017. The copies of the same were furnished to the appellant and matter was listed for the arguments.
7. The representative of PIO submitted that their respective replies may be treated as arguments. Appellant was given opportunity to file written arguments if any and the matter was fixed for order.

8. As no any written arguments /synopsis were filed on behalf of appellant this Commission has no any other option then to decide the matter based on the available records in the file.
9. According to the Respondent PIO a letter was posted to the Appellant on 24/11/2014 to remain present at Pernem Police Station to give the details of relevant entries in the Station Diary and to collect the information. The said letter was made in compliance to the order of FAA.
10. It is contention of the Respondent that Station diary is the privileged documents of the Police Station which contains various entries with respect to various crimes registered at Police Station and the names and the details of the victims and accused, the detail entries of the interrogation with the accused, medical examination report etc are reflected in the said station dairy as such the said was denied under section 8(1)(h) of the RTI Act 2005.
11. It is further submitted that a Station Diary of 7/02/2014 the entry of Pernem Police Station Crime No. 20/17 under section 376 of IPC in which name of the victim is recorded and if the entire Station diary is provided it will expose the name of Victim.
12. It is further submitted that there was no any entry effected in the station Diary related to Appellant and that if Station Diaries of various date if are provided to him, he will/may misuse it.

13. I have peruse the records. By his application dated 21/08/2014 the Appellant has sought the copies of the station diary pertaining to the period mention in the said application.
14. If one peruse the reply dated 16/09/2014 the information at point No. 1 was rejected under section 8(1)(h) of RTI Act 2005. It was contention of the PIO that the said Station diaries contains the information including the one pertaining to the 3rd parties. In other words incase the information was furnished, the same would has invaded on the privacy of the 3rd parties.
15. In my opinion the station diary is the privileged document which contains information of importance to the running of the Police Station.

It primary contained set of information such as.

- a) A list of known depredators (KDs) or Criminals in the area alongwith other believed antisocial elements, including prostitutes and gamblers.
- b) A list of people who could identify the KDs if the need arose, together with a list of known criminal associates, especially people who deal in buying stolen goods.
- c) A documents describing the modus operandi of already prosecuted criminals and habitual offenders.
- d) Serious unsolved crimes in the jurisdictional area etc.
- e) Serious unsolved crimes in the adjoining police areas etc.

16. As such, I do not find any fault in rejecting the said request by Respondent No. 1 PIO for the disclosure of the Station Diaries of different dates as whole. Nevertheless the FAA, in the 1st appeal filed before him, have directed the PIO to furnish the information only pertaining to the Appellant. Such Orders was complied by PIO vide letter dated 24/11/2014.

The PIO have also contended in their reply dated 5/04/2017 filed before this Commission that the Appellant had inspected the full station diaries of the above mention dates and instead of seeking the extract of station diary pertaining to him he has asked for full copies of the station diary. It was further contended that there is no any entry effected in the station diary related to the appellant.

17. Inview of the absence of appellant no clarification could be obtained from him. Since he has not offered any say on the replies filed by the Respondent No. 1 PIO, it is presumed that the said are not disputed by him.

18. In the above given circumstances I am declined to grant the relief sought by the Appellant for furnishing him the full copies of the station diaries of the various dates as sought by him vide his application dated 21/08/2014 at point No. 1.

19. I therefore proceed to dispose the present appeal with the following:-

ORDER

Appeal stands dismissed.

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

Kk/-