

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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

Appeal No. 69/ SIC/2014

Mr. Sitaram Vishram Pal
R/o House No. 1/131,Dabar wada,
Bordem, Bicholim
Goa.

.....Appellant.

V/s.

- 1 The Public Information Officer (PIO),
The Deputy Superintendent of Police,
Bicholim Police Station, Bicholim-Goa.
2. Public Information Officer (PIO),
Office of the Deputy Superintendent
of Police Head Quarters,
(North),Porvorim-Goa,
- 3 First Appellate Authority (FAA),
The Superintendent of Police (North),
Porvorim-Goa. ...Respondent

Appeal Filed on:-03/07/2014

Decided on :-14/03/2017

ORDER

1. The Appellant Shri Sitaram Pal herein by his application dated 21/04/2014 filed under sec 6(1) of Right to Information Act, 2005 sought certain information from Public Information Officer (PIO), Superintendent of Police, North, Porvorim-Goa on several points as stated therein.
2. The said application was transferred on 23/04/2014 to Respondent No. 1 PIO of Bicholim Police Station u/s 6(3).
3. The PIO Respondent No. 1 O/o Subdivision Police Station Bicholim replied the same on 22/05/2014 giving the information as nil and the Respondent No. 2 PIO of Deputy Superintendent of Police Head Quarters North Porvorim –Goa replied same on 10/05/2014

denying the information on the ground that matter was under the inquiry with Sub-division Police Station Bicholim.

4. Being aggrieved by the response of Respondent No. 1 PIO of Bicholim Police Station and Respondent No. 2 PIO of O/o Superintendent of Police Head Quarters, North, the appellant filed first appeal before the Respondent No. 3, the Superintendent of Police, North, Porvorim-Goa being FAA on 29/05/2014, who by an order dated 23/06/2014 ordered PIO of Deputy Superintendent of Police Head Quarters, the Respondent No. 2 herein to furnish the copy of inquiry report with respect to applications dated 27/03/2014 and 29/03/2014 within a week.
5. Appellant has landed before this commission with second appeal u/s 19(3) of the act on 2/07/2014 with grievance that inspite of the said order of Respondent No. 3, FAA the information is not furnished to him. The appellant therefore prayed for penalty as also compensation along with the information.
6. The appeal was taken on board for hearing after notifying the parties. Inspite of notice appellant continuously remained absent.
7. The Respondent No. 1 PIO of Bicholim Police station filed reply on 9/01/2017. Respondent No. 2 PIO of Deputy Superintendent of Police Headquarters filed reply on 14/11/2016 and Respondent No. 3 filed reply on 17/10/2016. In the said reply of Respondent No. 1 and Respondent No. 2 it is contention of the PIO that information came to be furnished to the appellant on 30/06/2014 by register AD by Respondent No. 2 PIO, Deputy Superintendent of Police, Head Quarters. The covering letter by which the information is furnished to the appellant and the information i.e. inquiry report into petition dated 27/03/14 and 29/03/14 were enclosed to the reply. It is contention of both the Respondents that initially the said information were not furnished to the appellant as matter was under inquiry. It is their further contention that they have replied to RTI application within time and there was no delay in responding the same. Both the respondents have relied upon initial reply given to RTI application and letter dated 30/06/2014 by which the inquiry report into petition dated 27/03/14 and 29/03/14 were been furnished to the appellant.

8. The appellant continuously remained absent hence no version on behalf of appellant could be heard.
9. On perusal of records it is seen from the reply which was given by Respondents PIO's to the application under section 6 (1) all his queries of the appellant have been duly answered. Since the appellant have contended that false and incomplete information is provided to him the onus was on him to prove that false or incorrect information was malafidely submitted to him. By remaining continually absent and failure to produce any evidence in support of his case, the appellant thereby have miserably failed to discharge his burden.
10. The grant of penalty is akin to conviction in criminal proceeding hence the element of criminal trial should be available for grant of penalty. These observation of mine is based on ratio laid down in the Hon'ble High Court of Bombay at Goa in ***writ petition No. 205/2007, Shri A. A. Parulekar, V/s Goa State Information Commission and others.***

"11. 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 or deliberate."

- 11.** The Commission observes that the PIO has shown his willingness in furnishing the information and there is no intentional or deliberate or malafided in not complying with FAA order. As such this Commission conclude levy of penalty and compensation on Respondent PIO is not warranted in the present proceedings.
12. From the conduct of the appellant, it appears that appellant has no interest in getting the information now and has no say against the version of the PIO. In spite of several opportunity, the appellant remained absent and as such in the above given circumstances, I hold that the information which came to be furnished to him after the order of FAA appears to have been given as per his requirement and also to his satisfaction and as such appellant has not shown any interest in pursuing this appeal.

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.

Appeal is stands dismissed liberty is hereby given to the appellant.

Sd/-

(Ms.Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa