

GOA STATE INFORMATION COMMISSION

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

Appeal No. 98/2015

Dr. (Ms) kalpana V. Kamat,
1st floor Caldeira Arcade,
Bhute Bhat Mestawado,
Vasco Goa.

..... Appellant

V/s.

1. Public Information Officer,
Vasco Police Station,
Vasco Da Gama Vasco Goa.

2. First Appellate Authority,
Superintendent of Police (South),
Margao Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 16/07/2015

Decided on: 20/06/2017

ORDER

1. The appellant Ms. kalpana kamat by here application dated 30//4/15 sought certain information from the PIO of Vasco Police station on nine points as stated there in the said application.
2. The said application was transferred by Respondent No. 1 PIO of sub Division of Vasco Dagama to the inspector General of Police head Quarter, Panaji Goa on 8/5/15 with a request to furnish the information a point No. 1 and 2 .
3. It is a case of the appellant that her application was replied on 13/5/15 by Dy. Sup. Of Police, Head Quarters, Margao Goa there by calling upon to deposit Rs. 16/-.
4. Being aggrieved by the reply of Respondent No.1 PIO, the appellant approached the Superintendent of Police, South at Margao

by way of 1st appeal and the Respondent No. 2 first appellate authority herein by order dated 3/7/15/disposed the said appeal by giving direction to Respondent No. 1 PIO to furnish the information on point No. 1 to 9 to the appellant as sought by her in her application dated 30/4/15 within 15 days from the receipt of the order.

5. In compliance of the order of the FAA , the Respondent PIO vide his letter dated 8/7/15 intimated appellant to collect the information .
6. The appellant then, approached this commission on 16/7/15 by way of second appeal filed u/s 19(3) of the RTI Act thereby seeking prayer for furnishing her information free of cost and for invoking penal action and for compensation .
7. In pursuant to the notice the appellant appeared in person . Respondent No. 1 was represented by Shri Vijay Patel.
8. During the course of hearing the Respondent PIO volunteered to furnish the information to the appellant and accordingly on 12th may 2017 filed compliance report there by enclosing copies of information.
9. The copy of the said compliance report dated 12/5/17 alongwith the information is furnished to appellant and the appellant was direct to verify the information furnished to her and to report accordingly.
10. On 30/5/2017 the appellant filed application submitting that incomplete information have been furnished to her by PIO and on that ground she sought for penalty and compensation.
11. The information which was furnished to the appellant was verified vis-a-vis her application and it is seen that the information at point NO. 1,2,3,6,7 & 9 has been fully furnished to her.
12. The Respondent have submitted that the information at point No. 4 is a privilege document which is in voluminous as such it was not

furnished to her. In the interest of justice this commission directed the Respondent PIO to allow the appellant to inspect said station diaries as mention by her in a letter dated 17/3/15.

Since the reply was given at point no. 5 was not very clear the Respondent PIO was directed to clarify the same.

With regards to point No. 8 the appellant was directed to furnish the month and year to PIO concerning the complaint of Naik family and Poonam Shanbag.

And the date for inspection of the station diary at point No 4 as sought by her was mutually fixed by both the parties.

13. Additional compliance report was filed on 31/5/17 by the Respondent PIO thereby specifically providing information at point no. 4,5 and 8 .
14. Since the complete information is now furnished to her during proceedings before this commission, no intervention of this commission is required as far as para (1) is considered .
15. Now with regards to other prayer which are in nature penal action, it is seen from the records that the application of the appellant dated 30/4/15 was responded well within time by the Respondent PIO. The order passed by the FAA dated 3/7/15 was also complied within a stipulated time. During the hearing before this commission also the appellant have gone out of way to furnish her the required information until she was satisfied PIO has always shown their bonifide in furnishing the information.

Though the appellant has claimed in a appeal memo at para 9 that the incomplete and misleading information were provided to her, in compliance of order of the FAA, the said is not supported by any documentary evidence .

The prayer of the appellant that the FAA has charged Rs. 16/- for giving only three pages of actual information is also not

supported by any supporting documents. In absence of any records it will not be appropriate on the part of this commission to direct for refund of the said amount .

Based on the above discussion, I find no case is made out by the appellant for imposing penalty as such the prayer sought by the appellant by way of penal action cannot be granted .

The appeal disposed accordingly and the 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