

GOA STATE INFORMATION COMMISSION

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

Appeal No. : 287/2019/SIC-I/

Shri. Sushant P. Nagvekar
House No. C-312, Fondvem,
Ribander-Goa.

.....Appellant

v/s

1. Shri Uttam, Raut Desai,
Dy. Superintendent of Police &
Public Information Officer (PIO),
SDPO Panaji-Goa.
2. The Police Inspector,
Panaji Police Station.
3. Superintendent of Police and
First appellate authority,
Porvorim-Goa

....Respondents

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner
Filed on: 09/09/2019
Decided on: 04/12/2019

ORDER

1. Brief facts of the present proceedings are as under ;
 - (a) In exercise of right under section 6(1) of right to information Act,2005 the appellant Shri Sushant Nagvekar filed application on 8/5/2019 seeking certain information from the Respondent No.1 public information officer of the Police Head Quarters, Panajim-Goa .
 - (b) Vide said application dated 8/5/2019, the appellant had sought for following information
 - (i) Certified copy of complaint inwards in Panaji Police Station under inward Ref. LA-249 dated 28/2/2019.
 - (ii) Certified copy of Subsequent reminder dated 9/3/2019 in follow up of the complaint at (a) above including copy marked to SDPO, Panaji.

- (iii) Certified copy of his intimation under Section 154(3) of Cr.P.C. dated 25/3/2019 inwards in the office of S.P.(North), Porvorim in respect of complaint at (a) above including copy marked to SDPO, Panaji.
- (iv) Certified copy of his communication dated 9/3/2019 and 4/4/2019 pertaining to FIR 37/2019 inwards in Panaji Police Station and copied to SDPO, Panaji.
- (v) Inspection of (a) complete case file in above referred complaints, (b) record of daily diary entries and (c) copies of any statements recorded in the above referred complaints as on record and further provide certified copies of the said documents as desired.
- (c) It is the contention of the appellant that his above application filed in terms of sub section (1) of section 6 was not responded by the respondent no 1 PIO within stipulated time of 30 days and as such deeming the same as rejection, the appellant filed 1st appeal on 10/6/2019 to the Respondent no 3 Superintendent of Police, Porvorim-Goa being first appellate authority interms of section 19(1) of RTI Act.
- (d) It is the contention of the appellant that he received the copy of the order of Respondent No.3 First appellate authority, which was dispatched vide outward reference number 140 dated 10/7/2019 wherein directions were given to Respondent no. 1 to permit the appellant to inspect the documents within a week, free of cost.
- (e) It is the contention of the appellant that he received a communication vide letter dated 15/7/2019 from the respondent no. 2 requesting him to approach PSI Tulshidas Naik for inspection and in pursuant to said letter

he visited the office of respondent 1 and 2 for inspection of the documents but the same were not provided to him, as such he made communicated dated 5/8/2019 to Respondent no. 2 and the copy of the same was marked to Respondent No. 1 wherein he had intimated them that he will be visited their office on 7/8/2019 at 10.00 hours but neither the Respondent No. 2 or PSI Tulshidas was available in the office at the said date and time.

(f) It is the contention of the appellant that he being aggrieved by the action of Respondent no. 1 &2 and as no complete information was received by him, is forced to approach this commission in his 2nd appeal as contemplated u/s 19(3) of RTI Act thereby seeking relief of directions to PIO to furnish the information as also seeking penalty.

2. In this background the present appeal came to be filed before this commission on 9/9/2019 on the grounds raised in the memo of appeal.
3. Notices were issued to both the parties. In pursuant to notice of this Commission, Appellant appeared in person. Respondent No. 1 PIO Shri Uttam Raut Desai, Respondent no. 2 Shri Sudesh Naik,(PI) was present in person. Respondent No. 3 First appellate authority was represented by Shri PC. Manguesh Mahale.
4. Reply filed by Respondent No.1 on 3/10/2019 and by Respondent No.2 on 28/10/2019. No reply came to be filed by Respondent No.3 First appellate authority. Copy of the said replies was furnished to the appellant.
5. During the course of the hearing on 27/11/2019, the appellant submitted that his grievance is only in respect of non furnishing of the information at Point No. 2 of his RTI application dated 8/5/2019. He further submitted that the information is required by him on the urgent basis as he desires to pursue his

legal remedies before the competent forum. The Respondent No.1 PIO undertook to provide him the information and the documents sought by the appellant within a course of the day

6. A compliance report was filed alongwith the enclosure by Respondent No. 1 on 4/12/2019 of appellant having carried out the inspection of file pertaining to LA-429 dated 28/2/2019 containing 1 to 32 pages and providing certified copy of station diary extract dated 14/11/2019 .
7. Appellant also filed application on 4/12/2019 and contended that on going through the information furnished to him on 29/11/2019, it was found that the information at point no. 1 (d) of his application was not furnished to him neither inspection of the same is provided to him and once again prayed for direction to provide the said information. The representative of Respondent PIO undertook to provide him the same.
8. Before parting the Commission hereby observes that the then PIO have not acted with conformity with the provisions of the RTI Act. Once the order was passed by the first appellate authority who is superior officer of the PIO, it was for PIO to comply the said order unless the same is challenged. There is no records available in the file that the same was challenged by the PIO. The order of Respondent No. 3 was passed on 2/7/2019 and inspection is given to the appellant on 28/11/2019. The order of Respondent No. 3 is not complied within time there is an delay in complying order of first appellate authority.
9. If the correct and timely information was provided to the appellant, it would have saved valuable time and hardship caused to the appellant herein in pursuing the appeal before the different authorities. It is quit obvious that the appellant has suffered lots of harassment and mental torcher in seeking the information under the RTI Act. If prompt and correct information was

provided at the initial stage itself, such harassment and detriment could have been avoided.

10. Since the appellant has gracefully did not pressed for penal provisions and as there are no records available in the file showing that then PIO has acted persistently in such a manner, this commission considering this as a first lapse on the part of Respondents, takes a lenient view in the present proceedings. Any lapses if found on the part of such officer who acts as a barrier in smooth implementation of the Act, will be viewed seriously and shall be dealt sternly henceforth.
11. In the above given circumstances, I find that ends of justice will meet with following order:-

ORDER

The respondent No. 1 PIO is hereby directed to furnish the information/inspection of the documents as sought by the appellant vide his application dated 8/5/2019 at point 1(d), free of cost within 10 days from the receipt of this order

With the above directions the appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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.