

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**CORAM: Shri Juino De Souza : State Information Commissioner**

**Appeal No.261/2018/SIC-II**

Jawaharlal T. Shetye  
H.No. 35/A, Ward No. 11,  
Khorlim, Mapusa,  
Bardez, Goa – 403 507

**.... Appellant**

v/s

1. Public Information Officer,  
Sub-Divisional Police Officer,  
Mapusa Police Station  
Mapusa-Goa. 403507.
2. First Appellate Authority,  
The Superintendent of Police (North)  
Police Head Quarters,  
Alto Porvorim – Goa. 403507

**....Respondents**

**Relevant emerging dates:**

Date of Hearing :25-02-2019

Date of Decision :25-02-2019

**O R D E R**

1. Brief facts of the case are that the Appellant vide an RTI application dated 14/08/2018, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, O/o Sub –Divisional Police Officer, Mapusa-Goa. The information is regarding Memorandum bearing No. MAM/BAR/MISC-Affidavit-DC/2016 dated 28/12/2016 addressed to the Police Inspector of Mapusa Police Station from the Mamlatdar/Executive Magistrate of Bardez Taluka-Mapusa Goa with regards to the Complaint against Smt. Ratnaprabha Ramnath Salgaonkar r/o H.No. 10181/2 near Primary School Khorlim Mapusa for swearing Affidavit dated 21/07/2015
2. The Appellant is seeking information at three points viz: 1) Furnish the Exact date of relieving PSI Sanjit Kandolkar from Mapusa Police Station and inform me the name and designation of the Police Personnel entrusted the duties of PSI Sanjit Kandolkar to investigate the matters which were kept pending and which are still under investigation.

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3. (2) To furnish complete and detailed Index list of all the pending cases under enquiry with PSI Sanjit Kandolkar which are handed over to the New Police official attached to Mapusa Police Station for further enquiry giving their present status/progress report informing the various steps and measures adopted by the enquiry office to register an offence against Smt. Ratnaprabha Ramnath Salgaonkar for swearing false affidavit which is a cognizable offence to be investigated by registering .F.I.R. as per the Supreme Court directions in the matter of Lalita Kumari Judgment Order and (3) To Furnish the action taken report on the above refereed memorandum dated 28/12/2016 received by your office on 05/05/2017 which is self explanatory.
4. The PIO vide reply no SDPO/MAP/RTI-537/667/2018 dated 07/09/2018 furnished the information in Tabulation form on all three points. With respect to information sought at point No.1 it was informed that as per PI, Mapusa, PSI, Sanjit Kandolkar relieved from Mapusa .P.S. on 04/04/2018 and that other information sought does not come under the purview of Sec. 2(f) of RTI Act 2005. In point No.2, the PIO informed that the information sought does not come under the purview of Sec. 2(f) of RTI Act 2005 and the Enquiry report in complaint against Smt. Ratnaprabha Ramnath Salgaonkar was enclosed and in point No.3, the PIO informed that May refer to the enquiry report enclosed at Point No. 2 above.
5. Not satisfied with the reply, the Appellant thereafter, filed a First Appeal on 19/09/2018 and the First Appellate Authority vide Order dated 11/10/2018 upheld the reply of the PIO and dismissed the First Appeal by holding that available information was provided to the Appellant and that part information at point No. 1 & 2 does not come under the purview of 2 (f) of the RTI Act.

6. Being aggrieved with the Order of the First Appellate Authority, the Appellant thereafter has approached the Commission by way of Second Appeal registered on 09/11/2018 and has prayed that the impugned Order of First Appellate Authority dated 11/10/2018 be quashed and set aside and to direct the Respondent PIO to furnish complete and correct information as per the RTI application dated 14/08/2018.
7. During the hearing the Appellant J.T. Shetye is absent. Shri. Rupesh Sawant, Police Constable, bearing Buckle No.64290 presently attached to the O/o SDPO, Mapusa is present on behalf of Respondent PIO.
8. The Representative of the PIO submits that all information has been furnished to the Appellant with respect to the RTI application dated 14/08/2018 by the PIO vide letter no SDPO/MAP/RTI-537/667/2018 dated 07/09/2018 and that further the First Appellate Authority has also upheld the reply of the PIO in the Order dated 11/10/2018. A detailed reply dated 10/01/2019 is filed by the PIO enclosing copies of information documents and other annexures which is taken on record.
9. The Commission after hearing the submission of the representative of the PIO and also perusing the material on record indeed finds that pursuant to the receipt of the RTI application dated 14/08/2018, the PIO has furnished information in tabulation form vide letter no SDPO/MAP/RTI-537/667/2018 dated 07/09/2018 on all three points as is mandated under section 7(1) of the RTI Act within 30 days. The Commission further observes that the First Appellate Authority has also upheld the reply of the PIO vide Order dated 11/10/2018.
10. As stipulated in the RTI Act, the role of the PIO is to provide information as is available, how is available, what is available and if is available from the records. The PIO is not called upon to do research or to analyze the information or to create information to satisfy the whims and fancies of the Appellant. ...4

11. The very fact that the information has been furnished by the PIO vide reply dated 07/09/2018 within the 30 days period is sufficient to prove the bonafide that there was no malafide intentions on the part of the PIO either to conceal or deny the information.

**No intervention is therefore required with the Order of the First Appellate Authority. Consequently the Appeal being devoid of any merit accordingly stands dismissed.**

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-

**(Juino De Souza)**  
**State Information Commissioner**