

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

Appeal No. 61/2020/SIC-I

Shri Jawaharlal T. Shetye
H.N. 35/A, Ward No, 11,,
Near Sateri Temple, Khorlim,
Mapusa-Goa -403 507.

....Appellant

V/s

1)The Public Information Officer (PIO),
The Sub-Divisional Police Officer,
Mapusa Police Station,
Mapusa, Bardez-Goa .

2)First Appellate Authority (FAA),
Superintendent of Police(North),
Polrvorim Police Head Quarters,
Porvorim, bardez-Goa.

.....Respondents

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

Filed on:12/02/2020
Decided on:13/03/2020

ORDER

1. The brief facts leading to the second appeal as putforth by the Appellant Shri J.T.Shetye is as under:
 - a. In exercise of Appellants right under section 6(1) of RTI Act, 2005, vide his application dated 21/11/2019 had sought from Respondent No.1 Public Information Officer (PIO) of Mapusa Police Station, Mapusa, Bardez-Goa certain information on 2 points as stated therein in the said application mainly pertaining to visit of two Police Personel of Maharashtra State namely ASI Shri Prakash Waghmare and another on 16/11/2019 to his house in connection with FIR register against his brother Shri Yeshwant Tukaram Shetye for inquiry purpose .
 - b. It is the contention of the Appellant that his application was responded by Respondent No. 1 PIO on 2/12/2019 interms

of section 7(1) of RTI Act thereby furnishing him the information. He being not satisfied, the Appellant filed 1st appeal interms of section 19(1) of RTI Act to Respondent no 2 Superintendent of Police (North) on 1/1/2020 being First Appellate Authority.

- c. It is the contention of the Appellant that the Respondent No. 2 First Appellate Authority without going into the merits of the case has mechanically passed the order dated 28/1/2020 dismissing his first appeal by upholding the say of PIO
2. In the above background the Appellant being aggrieved by action of PIO and of First Appellate Authority (FAA), has approached this commission in this second appeal on 12/2/2020 u/s 19(3) of the Act, seeking order from this commission to direct the PIO to furnish the information with regards to point No.2 of his application dated 21/11/2019 and for implementation of provisions of section 4(1)(a) and (b) of RTI Act,2005 in true spirit.
 3. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the parties. In pursuant to notice of this commission Appellant appeared in person. Respondent PIO was represented by PI, Shri Tushar Lotlikar. The Respondent No.2 First Appellate Authority (FAA) opted to remain absent despite of due service of notice neither filed any reply to the proceedings.
 4. Reply filed by Respondent no. 1 PIO on 11/3/2020 alongwith the enclosures . The copy of reply of the PIO alongwith the enclosures was also finished to the Appellant .
 5. The representative of Respondent PIO submitted that the Appellant was informed at the time of hearing of the first appeal that no any correspondence letters has been issued by

the Mapusa Police Station to ASI Prakash Waghmare pursuant to the application dated 16/11/2019 submitted to Mapusa Police Station requesting the assistance to Mapusa Police inspector. It was further submitted that the extract of the Station diary effected in this regards were issued to the Appellant. The representative of Respondent PIO offered and volunteered to give said clarification in writing. Accordingly the same was furnished to the Appellant on 13/03/2020.

6. The Appellant after going through the clarification furnished to him at point no. 2 submitted that he is satisfied with the said clarification and he has no any further grievance with respect to information furnished to him. Accordingly he endorsed his say on the memo of appeal.
7. Since the information/clarification has now been furnished to the Appellant I find no further intervention of this commission is required for the purposed of furnishing information and hence prayer (i) becomes infructuous.
8. Before parting it need to mention that section 4 of the Act casts an obligation on all public authorities to maintain records duly computerized and connect through network. Said provision also requires public authorities to publish certain information in the prescribed format and update the same periodically. If such and exercise is undertaken by the Respondent authority herein, then such disseminated information would be beyond the purview of the Act. It is noted that inspite of the said obligation on the Respondent authority and direction of this commission from time to time, the Respondent authority has failed to comply with said Requirement, thereby compelling not only Appellant but citizens at large to have the information in physical form by filing applications.

9. The Hon'ble High Court of Bombay at Goa Bench in PLI writ petition No. 42 of 2019; Roshan Mathias V/s Village Panchayat of Candolim had directed the public authority i.e the Village Panchayat Candolim to comply its obligation interms of section 4(1)(b) of the RTI Act as expeditiously as possible within a period of 6 months.
10. The observation made by the Hon'ble High Court and the ratios laid down in the case of Roshan Mathias(Supra)are also applicable to the public authority concerned herein.
11. The public authority concerned herein i.e Mapusa Police Station, Mapusa , Bardez-Goa is hereby directed to comply with section 4 of RTI Act,2005 within 6 months in case the same is not complied.

With the above directions the appeal proceedings stands closed.

Pronounced in the open court, 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.

Sd/-
(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa