

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 36/2021/SIC

Sophia Rodrigues,
r/o. H. No. 136,
Gauncar Waddo,
Curca, Bambolim,
Tiswadi Goa, 403108

..... Appellant

v/s

1. The Public Information Officer,
Office of Women Police Station,
Panaji – Goa.
2. The First Appellate Authority,
Office of Superintendent of Police, Crime,
Ribandar – Goa.

..... Respondents

Filed on : 15/02/2021

Decided on : 30/09/2021

Relevant dates emerging from appeal:

RTI application filed on	: 02/12/2020
PIO replied on	: 25/12/2020
First appeal filed on	: 05/01/2021
First Appellate Authority Order passed on	: 28/01/2021
Second appeal received on	: 15/02/2021

ORDER

1. The Second appeal filed by the Appellant Ms. Sophia Rodrigues under section 19 (3) of the Right to Information Act, 2005 (hereinafter to be referred as Act) against Respondent No. 1, Public Information Officer (PIO), Office of Women Police Station, Panaji Goa and Respondent No. 2, First Appellate Authority (FAA), Office of Superintendent of Police, Crime, Ribandar Goa came before this Commission on 15/02/2021.

2. The Appellant has made following contentions in the said appeal:-

a) That the Appellant vide application dated 02/12/2020 had sought from the PIO under section 6(1) of the Act :-

(i) Certified copy of the enquiry report prepared on her complaint dated 03/11/2020 addressed to the Women Police Station, Panaji Goa, by the Investigation Officer

(ii) Name and designation of the Investigating Officer who has conducted the enquiry on the said complaint.

b) That the Appellant received no reply from the PIO within the stipulated period, hence she filed appeal dated 05/01/2021 before the FAA. The Appellant received on 06/01/2021, a reply signed by PIO dated 25/12/2020, refusing information at point No. (i). Subsequently, the FAA heard the appeal on 28/01/2021 considering reply of PIO as correct and disposed the appeal.

c) That the application dated 02/12/2020 is covered under section 2(f) of the Act and the PIO has given incorrect reply. Being aggrieved, the Appellant filed second appeal before this Commission with prayers such as direction to PIO to furnish information, imposing penalty on PIO, etc.

3. The parties were notified and the matter was taken up for hearing. PIO filed reply dated 01/07/2021 through Advocate Harsha Naik and the same was adopted by the FAA. Appellant filed written submission dated 13/08/2021. Arguments of both sides were heard on 02/09/2021. Later on 21/09/2021, the PIO filed another submission with a copy to the Appellant.

4. The Appellant claims in her submission that the information at point no. (i) sought by her vide application dated 02/12/2020 is denied to her to cover up wrong doings of the department. However the Appellant has not substantiated her claim with appropriate documents/evidence. The Appellant has also stated that the FAA after the proceedings of first appeal on 28/01/2021 had verbally instructed the Assistant Public Information Officer to give correct information to Appellant on point no. (i), and passed a different order later and this amount to harassment of the Appellant. However the order of FAA states, "Information regarding the enquiry is already forwarded by the PIO. The satisfaction of the Appellant with the enquiry does not form subject matter of the RTI Act". The order of FAA is clear and the Commission does not find any vagueness in it, as claimed by the Appellant.
5. Adv. Harsha Naik, appearing on behalf of PIO and FAA states that the PIO had informed the Appellant regarding information to be furnished with reference to her application, within the stipulated period, i.e. vide letter dated 25/12/2020. The PIO has stated in the said letter that the application/complaint dated 03/11/2020 filed by the Appellant is closed as no criminal offence is made out into the contents of her complaint. The PIO has also stated that the said fact was communicated to the Appellant vide letter dated 09/12/2020. The PIO has submitted that the Appellant has been furnished the correct information on her application dated 02/12/2020.
6. It appears from the discussion above and from the submission that, the PIO has furnished information to the Appellant and the same is endorsed by the FAA in his order dated 28/01/2021. Therefore nothing more remains to be decided in this appeal and the appeal need to be disposed accordingly.

7. Before closing, the commission has noted a point made by Appellant that her application was not accepted in Women Police Station, Panaji and she was directed to file the application in the Crime Branch, Ribandar. This practice has caused inconvenience to the Appellant and if continued further, may cause inconvenience to citizens, which is not acceptable under the Act. It is noticed that the reply dated 25/12/2021 mention that the Police Inspector of Women Police Station as APIO. If so, there was no reason for Women Police Station to decline the application.
8. In the background of above discussion and as per the documents brought on record, the Commission passes the following order :-
- a) The Appeal is dismissed.
 - b) The Superintendent of Police (Crime) shall issue instructions to Assistant Public Information Officer/P.I, Women Police Station to accept the RTI application pertaining to Dy. SP, Crime/PIO, Ribandar.

Proceedings stand 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/-

(Sanjay N. Dhavalikar)
State Information Commissioner
Goa State Information Commission
Panaji - Goa