

GOA STATE INFORMATION COMMISSION

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

Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website:www.gsic.goa.gov.in

Appeal No.219/2020

Dr. Kalidas Vaingankar,
H.No. 138, Rua De Maria,
Sancoale, Cortalim-Goa.

.....Appellant

V/S

1. The Public Information Officer,
The Deputy Collector & SDO,
Office of the Dy. Collector of Mormugao,
Vasco-Goa.

2. The First Appellate Authority,
The Additional Collector-I,
South Goa District,
Margao-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 22/12/2020

Decided on: 08/11/2021

FACTS IN BRIEF

1. The Appellant, Dr. Kalidas Vaingankar, H.No. 138, Rua De Maria, Sancoale, Cortalim-Goa, by his application dated 08/01/2020 filed under sec 7(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought the following information from Public Information Officer (PIO) of the Deputy Collector and Sub-Divisional Office, Mormugao, Vasco Goa :-

"a. Subject Matter: Celebration of Event (Novenas and Feast of St Joseph Vaz) in Archaeological site of "Frontispiece of Sancoale" (Survey No 266/2 of Sancoale Village) between 07/01/2020 to 16/01/2020.

b. Information Description:

- 1) Provide me Certified copy of Sound Permission for the event.

- 2) Provide me Certified copy of the Application for Sound Permission for the event.
- 3) Provide me Certified copy of the permission to conduct the event.
- 4) Provide me Certified copy of the application for permission for the event.
- 5) Provide me certified copy of the directions to Police for the event.
- 6) Provide me Certified copy of the directions to Traffic cell, Vasco for the event.
- 7) Provide me Certified copy of the application for Parking arrangement for the event.

The life or liberty provision can be applied in cases where there is an imminent danger to the life or liberty of a person and the non-supply of the information may either lead to death or grievous injury to the concerned person. As per letter No. PI/VRN/PS/14306/2019 dated 18/11/2019 sent to me by Verna Police Station it is disclosed that there is apprehension of law and order situation in connection with celebration of above mentioned event. It is pertinent to note that our family was attacked and assaulted by mob of catholic person on 31/05/2019 and an FIR No. 53/2019 has been registered against them. However chargesheet has not been submitted till date. Now since 04/01/2020 the persons belonging to above mentioned mob against whom FIR has been registered are seen trespassing into our properties.

In view of this there is an imminent danger to our life and hence information be provided within 48 hrs."

2. Since the said application was not responded by the PIO within the stipulated period of 48 hrs, deeming the same as refusal, Appellant filed first appeal in the office of Collector, South Goa, Margao Goa being the First Appellate Authority (FAA) on 14/01/2020.
3. According to Appellant, thereafter the said application was responded by PIO on 03/02/2020 with false and misleading information.
4. The FAA by its order dismissed the said first appeal on 03/11/2020.
5. Aggrieved with the order of FAA, Appellant has landed before the Commission in this second appeal under sec 19(3) of the Act.
6. Notice was issued, pursuant to which representative of PIO, Amit Sakhardande appeared on 05/04/2021 and sought time to file his reply. FAA duly served preferred not to appear and file his reply in the matter. Adv. Prakash Nair appeared on behalf of the Appellant and undertook to file his wakalatnama on or before next date of hearing.

However neither Appellant nor PIO and FAA appeared on subsequent hearings, therefore present matter is disposed off on the basis of pleadings and documents on record.

7. By RTI application, which is produced hereinabove at para No. 1, Appellant claims imminent danger to his life and liberty and due to non-supply of the information may either lead to death or grievous injury. And to support his claims he has referred one letter received from Verna Police Station bearing No. PI/VRN/PS/14306/2019 dated 18/11/2019.

However the Appellant has failed to produce on record the copy of the said letter to substantiate his claims. The Appellant has emphasised threat to life and liberty, however not produced any

cogent evidence. Merely on the basis of apprehension of the Appellant about the threat to life and liberty there is no sufficient ground to furnish information to the Appellant within the period of 48 hrs.

8. It is seen from the record that the information sought on 08/01/2020 was furnished by the PIO on 03/02/2020, thus the information as available with the authority has been furnished to the Appellant within the prescribed time limit.
9. In fact, fair opportunity has been granted to the Appellant but chose not to appear before this Commission. Adv. Prakash Nair once appeared on behalf of Appellant on 05/04/2021 and undertook to file his wakalatnama. However he failed and neglected to place on record his wakalatnama, therefore his appearance before the Commission cannot be treated as valid appearance. Appellant also failed to appear in all further hearings too. i.e on 07/07/2021, 16/08/2021, 21/09/2021 and 22/10/2021.
10. Considering the fact and circumstances, I am unable to grant the relief as prayed for by the Appellant. I also find no ground to impose the penalty under sec 20 of the Act on PIO. In view of above, the appeal stand disposed with following:-

ORDER

- The appeal is dismissed.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner