

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

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CORAM: Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. : 56/2020/SIC-II/

Shri Jawaharlal T. Shetye,
H. No. 35/A, Ward No. II,
Khorlim, Mapusa – Goa

..... Appellant

v/s

1. Public Information Officer,
The Sub Divisional Police Officer,
Mapusa Police Station,
Mapusa –Goa. 403 507
2. First Appellate Authority,
Superintendent of Police (North),
Porvorim, Bardez-Goa.

..... Respondents

Filed on: 10/02/2020

Decided on: 08/04/2021

Relevant dates emerging from appeal:

RTI application filed on	: 27/11/2019
PIO replied on	: 04/01/2020
First Appeal filed on	: 09/01/2020
First Appellate Authority Order passed on	: 28/01/2020
Second appeal received on	: 10/02/2020

ORDER

1. Brief facts leading to the second appeal filed by Shri. Jawaharlal Shetye are that the Appellant in exercise of his right under section 6(1) of the Right to Information Act, 2005 (RTI Act, 2005) vide his application dated 27/11/2019 sought from Respondent No. 1 Public Information Officer (PIO), Sub Divisional Police Officer, Mapusa Police Station information as follows:- "Furnish certified copies of the entire documents submitted to your office alongwith the police Complaint dated 25/11/2019 received by Mapusa Police Station against me on the basis of which the above notice under section 41 (A) CR PC bearing No. PI/MAP/14401/2019 dated 26/11/2019 has been served on me directing to comply with all /or the following directions numbering (a) to (j)."

2. It is contention of the Appellant that PIO initially did not furnish the information sought by him. PIO filed reply to the RTI application after the due period of 30 days i.e. 04/01/2020.
3. It is the contention of the Appellant that the PIO's reply was late and also information furnished was incomplete. Aggrieved by this reply Appellant filed first Appeal on 09/01/2020 with the First Appellate Authority, Superintendent of Police North.
4. It is the contention of the Appellant that the FAA without going into the merits of the Appeal case has mechanically passed an order dated 28/01/2020 directing the Respondent PIO to provide copy of FIR and copy of Complainant free of cost within the week.
5. It is the contention of the Appellant that he is not satisfied with the Order passed by FAA because no relief has been given with respect to prayer No. iii of the first Appeal. Also the Respondent PIO has ignored to furnish the copy of Complaint dated 25/11/2019 duly signed by the Complainant alongwith all its enclosures including the CD regarding CC TV footage of the day 21/11/2019.
6. It is the contention of the Appellant that being aggrieved with the denial of information by the PIO and the unsatisfactory order of FAA he has preferred second appeal with the State Information Commission on 10/02/2020.
7. Appellant prayed before this Commission to :-
 - a) Direct the Respondent PIO to furnish the correct and complete information to the Appellant immediately.
 - b) Direct both the Respondents to take immediate steps in the implementation of the provisions of section 4(1)(a) and 4(1)(b) of the RTI Act, 2005 in its true spirit. And failure on

their part to do so, prescribed fee of Rs. 10 /- as fee towards application fee is to be waived to the RTI applicant seeking information under the provisions of RTI Act, 2005.

8. Matter was taken up on board and was listed for hearing and accordingly notices were issued to the concerned parties. During the hearing on 23/03/2021 Respondent PIO Shri. Gazanan Prabhudesai, SDPO Mapusa, filed reply, copy of which was submitted to the Appellant. As per the submission copy of FIR No. 259/19 alongwith Complaint is enclosed. The submission of PIO also mentioned that " The investigation of the above case is in progress; hence information called for could not be provided under section 8(1) (h) of the RTI Act, 2005".
9. The Appellant in his submission dated 08/04/2021 expressed his reservations over the PIO's reply. The Appellant insisted on the entire information which he had sought.
10. During the hearing today 8/04/2021 at 10.30 a.m. Respondent PIO, Shri. Gajanan Prabhudesai, SDPO Mapusa made a statement before this Commission that the case in contention No. 259/2019 will be disposed and file will be closed in next 15 days. At this point the Appellant agreed for disposal of the ongoing appeal.
11. I have perused the documents, replies and submissions filed by the Appellant as well as the Respondents in this Matter. It need's to be mentioned that in terms of section 7(1) of RTI Act, the Respondent No. 1 PIO is required to furnish information within 30 days or transfer the RTI application to the relevant authorities within 5 days, if the PIO does not have relevant information with him. The records reveal that the RTI application was filed on 27/11/2019 and the appellant received reply from the PIO on 4/01/2020, meaning there

is delay in replying the RTI application beyond the period of 30 days. However the delay is not substantial.

12. In the above circumstances and in the light of above discussion. I dispose off the Appeal.

- a) No more intervention of the Commission is required and the prayer (1) becomes infructuous.
- b) The Respondent PIO has stated before this Commission that the case No. 259/2019 against the Appellant will be disposed within fifteen days. Respondent PIO is expected to complete the procedures and accordingly intimation should be sent to this Commission with a copy marked to the Appellant.
- c) The Respondent PIO is directed to take steps hereafter to ensure effective implementation of section 4(1)(a) and 4(1)(b) of the RTI Act, 2005.

13. With the above directions, Appeal 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