

**GOA STATE INFORMATION COMMISSION**

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**Appeal No. 267/2021/SCIC**

Shri. Sadanand D. Vaingankar,  
304, Madhalawada, Harmal,  
Pernem-Goa.

.....Appellant

V/S

1. The Public Information Officer,  
Shri. Shaikh M. Salim,  
Dy. SP (Traffic) North,  
Altinho, Panaji-Goa.

2. The Assistant Public Information Officer,  
Shri. Ashish Shirodkar (Traffic Cell),  
PI Tec. Altinho, Panaji-Goa.

3. The Assistant Public Information Officer,  
Shri. Sonmath Mahajik (Traffic Cell),  
PI Tec. Altinho, Panaji-Goa.

4. The First Appellate Authority,  
Shri. A. K. Gawas, IPS,  
SP (Traffic), Altinho, Panaji-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 28/10/2021**

**Decided on: 08/08/2022**

**FACTS IN BRIEF**

1. The Appellant, Shri. Sadanand D. Vaingankar, r/o. 304, Madhalawada, Harmal, Pernem-Goa by his application dated 17/06/2021 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Deputy Superintendent of Police, Traffic Cell at Panaji-Goa.
2. The said application was replied by the PIO on 09/07/2021 in the following manner:-

Sr.No.	Information Sought	Information Provided
1.	Copy of the said challan	Enclosed at annexure "A" (01 Page)

2.	Details of Instrument used to detect the speed of the vehicle.	
A.	Name of the instrument used in the above case.	Dragon Eye Manual Mode and Automatic Mode Tripod Mounted Laser Speed Meter
B	Asset number of the instrument and calibration certificate of the instrument used.	The serial Number of the instrument is ETP/55/2020-2021/043 As per the Experio Tech Private Limited (Supplier of the instrument), the instrument does not require Calibration. Letter in this regards received from Experio Tech Private Limited is enclosed at annexure "B" (01 Page).
C	Name, Designation and residential address of the person/s operating the said instrument on 12/06/2021.	Prashant A. Morajkar Designation: HC-5544 Residential Address: H.No. 477, Khairat, Camurlim, Bardez-Goa.
D	Time period for which said instrument is used on 12/06/2021 for detecting speed at the location, wherein said Challan was issued.	The Traffic officials had left Traffic Cell, Panaji along with the said instrument for detecting speed at 09:30 Hrs and had returned at 14.30 Hrs.
E	Issue the copy of full recording done by the said instrument on 12/06/2021 at the location, wherein said challan was issued.	The video footage/photograph available with Traffic Cell Panaji is enclosed at annexure 'C' in form of CD.
3	Please furnish the name and designation of the staff, police constable and officers accompanying or assisting the staff operating the instrument at the above location when the Challan was issued. Also furnish the names, designation and	Enclosed at annexure "D" (01 Page)

	residential address of entire police team present at the location.	
4	Please furnish the copies of all the challans issued at location near Sai baba Temple by the team of police using the same instrument to detect the speed on 12/06/2021.	Copy of total 14 M.V. Challans are enclosed at annexure "E" and copy of 01 challan is enclosed at annexure "A".
5	Please furnish the total number of vehicles and details of vehicles which were not stopped by the police at the location which were found exceeding the prescribed speed limit.	All the vehicles exceeding prescribed speed limit were stopped and issued Challan.
6	Please furnish the total number of vehicles and details of vehicles which were stopped by the police at the location which were found exceeding the prescribed speed limit, but no challan has been issued.	All the vehicles exceeding prescribed speed limit were stopped and issued Challan.
7	Please furnish the total number of vehicles and details of vehicles which were stopped by the police at the location which were found exceeding the prescribed speed limit, but no challan has been issued and extorted money without giving the receipt.	Information sought is not available on records of Traffic Cell Panaji.

3. Not satisfied with the reply of the PIO, the Appellant filed first appeal on 15/07/2021 before the Superintendent of Police, Traffic Police Headquarters at Altinho, Panaji-Goa under section 19(1) of the Act, being the First Appellate Authority (FAA).
4. The FAA by its order upheld the reply of the PIO and dismissed the first appeal on 29/07/2021.
5. Aggrieved and dissatisfied with the order of the FAA, the Appellant landed before the Commission by this second appeal under section 19(3) of the Act.
6. Notice was issued to the parties, pursuant to which the representative of the PIO, Adv. K. L. Bhagat appeared for

Respondents and filed reply of the PIO on 22/03/2022 and also placed on record the reply of the FAA (Respondent No. 4) dated 22/04/2022, representative of the Respondent No. 2, Suvarna Talegaonkar appeared and placed on record the reply of Respondent No. 2 and 3.

7. The Appellant contended that, the information provided by the PIO was incomplete, vague and prayed that the PIO be directed to furnish complete information.
8. On the other hand, the PIO through his reply contended that, on receipt of the RTI application, he replied the same promptly vide letter No. DySP/TRF/NORTH/645/2021 on 09/07/2021 and accordingly the information has been collected by the Appellant on 14/07/2021.
9. The Respondent No. 4, the FAA through his reply contended that, after hearing all the parties he disposed the first appeal by its order dated 29/07/2021.
10. I have perused the pleadings, replies, scrutinised the documents on record and considered the oral arguments of the parties.
11. It is admitted fact that, the Appellant has received the information on 14/07/2021 comprising of 2 pages of covering letter and 17 pages information alongwith CD. However his grievance is that the information provided by the PIO is incomplete and vague.
12. Adv. K.L Bhagat appearing on behalf of PIO submitted that, whatever information was available had been provided to the Appellant on 09/07/2021 including the copy of CD of video footage. In the course of arguments, he also offered inspection of records pertaining to video footage/ photograph available with the Traffic

Cell, Panaji dated 12/06/2021 at 09:30 hours to 14:30 hours, to the Appellant, however the Appellant refused to carry out the said inspection.

He further pointed out that, the content of reply filed before the FAA and particularly at para no. 10 and reiterated that all the vehicles which were found overspeeding were stopped and prosecuted. Whereas, those vehicles that were overspeeding and did not stop upon being signalled were subsequently prosecuted by issuing notice under section 133 of Motor Vehicle Act.

13. Though it is the contention of the Appellant that, the information provided to him is incomplete, incorrect and vague information, the Appellant in his appeal or at the first available opportunity has not clarified as to what would constitute the complete information. Records show that, the Appellant received the information without any protest on 14/07/2021 from the PIO. When the Appellant claims that he has received incomplete or incorrect information burden lies on the Appellant to prove that information provided to him was incomplete and incorrect. In the present case the Appellant is substantially failed to pin point any specific information which was available but withheld by the PIO.

14. The High Court of Patna in the case **Shekhar Chandra Verma v/s State Information Commissioner, Bihar & Anrs. (AIR 2012 PAT. 60)** has held that:-

*"10. In our view, the RTI Act contemplates furnishing of information which is available on records, but it does not go so far as to require an authority to first carry out an enquiry and thereby 'create' information, which appears to be what the information seeker had required of the appellant."*

15. Regarding the question of disclosure of information under the Act, the Hon'ble Supreme Court in **Central Board of Secondary Education & another v/s Aditya Bandopadhyaya (Civil Appeal no. 6456 of 2011)** at para 35 has observed:-

*"35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant."*

16. In the present case, the PIO replied the RTI application on 09/07/2021 i.e within stipulated time.
17. Considering the above circumstances, I find no malafide on the part of the PIO while dealing with RTI application therefore I am not inclined to impose penalty as prayed by the Appellant. Consequently I dispose the present appeal with the following:-

## **ORDER**

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

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner