

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 130/2023/SIC

Mr. Bharat L. Candolkar,
R/o. Vaddi Candolim,
Bardez-Goa.

-----Appellant

v/s

1. The Public Information Officer,
Deputy Superintendent of Police,
Porvorim, Bardez-Goa.

2. First Appellate Authority,
Superintendent of Police,
North, Porvorim-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 17/01/2023
PIO replied on	: 01/02/2023
First appeal filed on	: 28/02/2023
First Appellate Authority order passed on	: 02/05/2023
Second appeal received on	: 19/04/2023
Decided on	: 10/07/2023

ORDER

1. Appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), had sought, following information from Respondent No. 1, Public Information officer (PIO):-

1. Certified copy of the death certificate produced by the Investigating Officer, of Accused Mr. Prem Kohli in case no. 473/S/2018/F STATE v. Mr. Prem Kohli before the JMFC "F" Court Mapusa-Goa in FIR No. 84/2018 dated 10/05/2018 Calangute Police Station.

2. Inspection of the respective documents, files, registers etc. be provided.

2. It is the contention of the appellant that though the PIO filed reply within the stipulated period, furnished no information. Being aggrieved by the unsatisfactory reply from the PIO, he filed first appeal before Respondent No. 2, First Appellate Authority (FAA). Appellant contends that the first appeal was not decided within the mandatory period, thus he has appeared before the Commission by way of the present second appeal against Respondent No. 1, PIO and Respondent No. 2, FAA.

3. Notice was issued to both the sides and the matter was taken up for hearing. Appellant appeared alongwith Advocate Atish P. Mandrekar and prayed for information. Shri. Kishor Ramanan, Police Inspector of Calangute Police Station/APIO appeared on behalf of the PIO and filed reply on 23/05/2023.
4. PIO stated that, based on the reply furnished by the APIO/ PI Calangute Police Station, reply was sent to the appellant stating that the information is not available as the said file is not yet received from the JMFC Court Mapusa, however, appellant can inspect the office copy of the said file on any working day during office hours. PIO submitted that the FAA during the hearing on 02/05/2023 which was not attended by the appellant, had upheld the say of PIO and dismissed the first appeal.
5. Advocate Atish P. Mandrekar while arguing on behalf of the appellant stated that, he had requested for a copy of the death certificate of Mr. Prem Kohli, as mentioned in Para 1, which was produced by the Investigating Officer before the JMFC 'F' Court, Mapusa in FIR No. 84/2018, Calangute Police Station. PIO should have applied to the Court and got the copy of the death certificate and furnished the same to the appellant. On the contrary, PIO has taken no steps to furnish the information.
6. PIO later stated that, the decided/ disposed file pertaining to Calangute Police Station has been received from Asst. Public Prosecutor, Mapusa on 19/05/2023. However, the copy of the death certificate of accused Mr. Prem Kohli is not available in the said file. Thus, PIO having replied the appellant within the stipulated period, requests the Commission to dismiss the appeal.
7. Advocate Atish P. Mandrekar argued that, he had requested for information which was in the custody of the PIO, hence, he prays before the Commission for direction to the PIO to furnish the information.
8. Upon perusal it is seen that, the information requested by the appellant i.e. copy of the death certificate of Mr. Prem Kohli was at some point of time existing in the office of the PIO and the same was produced by the Investigating Officer before the Civil Judge Junior Division 'F' Court, Mapusa-Goa on 07/01/2023. The said Court had held that, "The Investigating Officer has produced on record the Death Certificate of the Accused. On perusal of the same it is seen

that Accused expired on 06/03/2021. Hence, proceeding stands abated against the Accused.”

9. It appears from the above Para that proceeding of Criminal Case No. 473/S/2018/F against accused Mr. Prem Kohli has abated due to the death of the accused Prem Kohli and the death certificate was produced before the Court by the Investigating Officer who comes under the office of the PIO in the present matter. Thus, the Commission acknowledges the contention of the appellant that the information was in the possession of the PIO at one point of time.
10. It was PIO's earlier stand that the said file is not received from the Court, hence, information, i.e. copy of the death certificate of Prem Kohli cannot be furnished. Now PIO states that, though the said file has been received on 19/05/2023, copy of the death certificate of Prem Kohli is not available in the file.
11. Shri. Akshay Parsekar, Police Sub Inspector, Calangute Police Station appeared on behalf of the PIO on 10/07/2023 and stated that the PIO has received from the Court the copy of death certificate of Prem Kohli upon request and that he shall furnish the same to the appellant as sought under the Act. Thus, now it is clear that the copy of death certificate is in possession of the PIO and he is required to furnish the certified copy to the appellant. Similarly, with respect to point no. 2 of application, PIO is required to provide inspection of the said file to the appellant.
12. Before closing, it is noted that the first appeal filed by the appellant was not decided by the FAA within the mandatory period. Section 19 (6) of the Act mandates the FAA to decide the appeal within maximum of 45 days. The first appeal was filed on 28/02/2023 and it is observed from the reply of the PIO that the first appeal was disposed by the FAA on 02/05/2023, after the expiry of the mandatory period. FAA, being senior officer in the Police Service must be aware of the provisions of the Act, is hereby directed to abide by the said provisions hereafter.
13. In the light of the above discussion, the present appeal is disposed with the following order:-
 - a) PIO is directed to furnish information on point no. 1 i.e. certified copy of the death certificate of Prem Kohli sought vide application dated 17/01/2023, within 08 days from receipt of this order, free of cost.

b) PIO is directed to provide inspection to the appellant as sought under point no. 2 of application dated 17/01/2023, within 08 days from the receipt of this order.

c) All other prayers are rejected.

Proceeding 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/-

Sanjay N. Dhavalikar

State Information Commissioner
Goa State Information Commission,
Panaji-Goa.