

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. 204/2023/SIC

Smt. Swarali R. Naik,
R/o H.No. 773/19,
Opp. Bina Punjani Hair Studio,
Chogam Road,
Alto-Porvorim, Bardez-Goa.

-----Appellant

v/s

Public Information Officer,
Office of the Sub- Divisional Police Officer,
Sub- Division, Porvorim,
Porvorim, Bardez-Goa.

----Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 18/11/2022
PIO replied on	: 07/12/2022
First appeal filed on	: 07/01/2023
First Appellate Authority order passed on	: 10/02/2023
Second appeal received on	: 08/06/2023
Decided on	: 12/02/2024

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent Public Information Officer (PIO), office of the Sub-Divisional Police Officer, Sub- Division, Porvorim, came before the Commission on 08/06/2023.
2. The brief facts of this appeal as contended by the appellant are as follows:-
 - a) The appellant had sought following information :-
 - i. *The certified copies of the Station dairy of Porvorim Police Station from 1st October 2022 to 18th October 2022.*
 - ii. *The certified copies of the inward and outward register of Porvorim Police Station from 1st October 2022 to 18th October 2022.*
 - b) The said information was denied under Section 8 (1) (g) and (h) of the Act by the PIO.

- c) Being aggrieved, the appellant filed first appeal before the First Appellate Authority (FAA), which was disposed by the FAA after hearing both the sides.
 - d) Being aggrieved by the order of the FAA, the appellant preferred second appeal before the Commission.
3. Notice was issued to the concerned parties, pursuant to which, Shri. Umesh Pawaskar, ASI, Porvorim Police Station and Shri. Manohar Parwar, Police Constable, Porvorim Police Station appeared on behalf of the PIO, under authority. Shri Ramnath R. Naik and Shri. Vaikunth V. Parab Gaonkar appeared on behalf of the appellant, under authority. Reply was filed on behalf of PIO on 11/07/2023. Further, affidavit in reply was filed on 27/07/2023. Compliance report on behalf of PIO was filed before the Commission on 02/01/2024 and 01/02/2024. Arguments by Shri. Vaikunth V. Parab Gaonkar, on behalf of the appellant, were heard on 13/09/2023 and 17/10/2023.
4. PIO stated that, the appellant was issued reply to her application within the stipulated period. The information was denied under Section 8 (1) (g) and (h) of the Act, as the information asked by the appellant was a privileged document which contained entries with respect to the investigation of crimes and other important entries of events reported and registered at the Police Station.
5. PIO further stated that, FAA passed an order while disposing the first appeal, directing the PIO to provide the Station Diary extracts of Porvorim Police Station for 14th October 2022, pertaining to the appellant and copy of reference pertaining to the above matter received at Porvorim Police Station. That, the PIO, vide letter dated 25/02/2023, complied with the FAA's order, thus, he requests the authority to dismiss the present appeal.
6. Shri. Vaikunth V. Parab Gaonkar, while arguing on behalf of the appellant, submitted that, he had originally requested for information for the period from 01/10/2022 to 18/10/2022 and the FAA directed the PIO to provide information only for one day, i.e. 14/10/2022. Thus, the appellant is not in agreement with the said order.
7. Appellant further argued that, she has sought the said information to file the case of corruption against the concerned personnel, thus, she is praying for information for the entire period, i.e. 01/10/2022 to 18/10/2022. That, the information is nil cannot be acceptable.

8. Upon perusal of the records, it is seen that, the appellant had sought certified copies of Station Diary and inward and outward register of Porvorim Police Station from 01/10/2022 to 18/10/2022. PIO in his reply issued within the stipulated period, denied the said information under Section 8 (1) (g) and (h). Station Diary as well as inward and outward register of any Police Station contains various entries related to investigation of crimes and relevant important matters.
9. Thus, in the considered opinion of the Commission, Station Dairy and inward and outward register of Porvorim Police Station is a sensitive document and all entries from 01/10/2022 to 18/10/2022 need not be furnished to the appellant. So also, PIO was not wrong in denying the appellant the certified copies of Station Diary and inward and outward register for the period from 01/10/2022 to 18/10/2022.
10. However, the appellant is eligible for getting extracts of the Station Diary and inward and outward register from 01/10/2022 to 18/10/2022, only pertaining to her matter, as available in the Station Diary and inward and outward register. On the other hand, the FAA directed the PIO to provide extracts only for 14/10/2022, which is 'nil' according to the PIO.
11. Although the appellant is aggrieved by the order of the FAA, she has not included the First Appellate Authority as a respondent in the present proceeding. This being the case, no directions can be issued to the FAA, with respect to the prayer of the appellant.
12. Yet, the Commission finds that the appellant deserves to be provided the information pertaining to her matter, if any, registered in the Station Diary as well as inward and outward register of Porvorim Police Station from 01/10/2022 to 18/10/2022. Accordingly, the Commission directed the PIO to provide inspection of relevant records and furnish any information identified by the appellant with respect to her application dated 18/11/2022, and file compliance report.
13. PIO, vide compliance report filed before the Commission on 01/02/2024, has stated that, as per the oral direction of the Commission, Shri. Ramnath Naik, husband of the appellant alongwith Shri. Vaikunth V. Parab Gaonkar visited Porvorim Police Station on 05/01/2024 and were allowed to inspect the relevant records and the same were inspected.

14. The Commission notes that the direction to provide inspection of relevant records has been complied by the PIO and the appellant has carried out inspection by visiting office of the PIO. Hence, there is no need of further intervention in the present matter.
15. In the background of the facts and findings as mentioned above, the present appeal is disposed accordingly and the 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.