

GOA STATE INFORMATION COMMISSION

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Appeal No. 08/2024/SIC

Shri. Norman Dias,
C/o. Manuel Rodrigues,
H.No. 86, Near the Church,
Carmona, Salcete-Goa, 403717

..... Appellant

V/s

1. Public Information officer (Incharge of Colva Police Station),
Office of the Sub-Divisional Police Officer,
Police Headquarters at Margao,
Margao-Goa.

2. First Appellate Authority,
Office of the Superintendent of Police South Goa,
Police Headquarters Margao,
Margoa-Goa.

.....Respondents

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 04/01/2024

Decided on: 17/12/2024

ORDER

1. In the instant matter the appellant Shri Norman Dias, had made his original Right to Information (RTI) application before the Public Information Officer (PIO) at the Office of Subdivisional Police Officer, Police Headquarters Margao pertaining to Colva Police station on 21/08/2023.
2. Thereafter on 12th September, 2023 the PIO Shri. Santosh S. Desai issued a reply to the Appellant addressing pointwise information sought by the Appellant.

3. The Appellant was aggrieved by the said reply and preferred a first appeal dated 11th October, 2023 before the First Appellate Authority (FAA) i.e. Superintendent of Police, Police Headquarters, Margao.
4. The FAA decided the first appeal vide order dated 8/11/2023 and directed the PIO to check the records of Colva Police Station once again pertaining to the request of the Appellant and furnish fresh, specific reply/information to the Appellant if available within 10 days of receipt of the said order.
5. Thereafter, citing the grounds that the PIO has not complied with the directions of the FAA. The Appellant preferred the second appeal before this Commission on 4th January, 2024.
6. Thereafter, due to the Commissioner's demitting their office the matter was taken up on virtual hearing and thus upon resumption of regular proceeding's of this Commission's. Proceedings were reinitiated from 25th September, 2024 onwards.
7. It was observed by this Commission that the concerned PIO at Police Headquarters South Goa had not remained present in the course of this proceedings.
8. A showcause notice was issued.
9. In the meantime the APIO, i.e. Police Inspector of Colva Police Station, filed his reply dated 11/10/2024 and stated

that, information pertaining to point no. 8, point no. 11 and point no. 12 in the original RTI application of the Appellant cannot be furnished as it is exempt from disclosure under section 8(1)(g) of the RTI Act.

10. On 5th December, 2024 the PIO filed his reply to the Showcause notice and listed out the chronology of developments pertaining to compliance of the orders of the FAA is concerned.
11. The matter was argued today and both the parties expressed the common opinion that this matter doesnot merit any further written statements or arguments.
12. In so far as, the claim of exemption from disclosure is concerned. It is contended by the PIO that at the relevant time when the subject matter covered under the RTI application was under investigation.
13. Furnishing of the information could have reasonably become an impediment in the fair discharge of investigation proceedings, and that now the investigation has been completed and the said information can now be issued to the Appellant.
14. In the light of the above, this Commission is satisfied that there was no denial of information towards information seeker and that the PIO under a reasonable cause has informed the appellant herein that information

pertaining to point No. 8, 11, and 12 of his original RTI application could not be furnished at that juncture.

15. The present PIO and the APIO are hereby directed to furnish the aforementioned information to the Appellant on or before 27th December, 2024 and submit a compliance report on or before 30th December, 2024.

16. The Public Information Officer and Assistant Public Information Officer shall also seek the assistance of the Ex-PIO, Shri. Santosh Dessai if need be while complying to this Order.

17. The Registry to initiate penalty proceedings if the present PIO and APIO failed to comply with the directions herein above.

18. Appeal is accordingly disposed and proceedings completed.

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/-

(Atmaram R. Barve)

State Information Commissioner