

GOA STATE INFORMATION COMMISSION

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Appeal No. 277/2023/SCIC

Dastageer Mulla,
R/o. G-2, Plot No. 99,
Near Bhatikar Model High School,
Gogol Housing Board,
Gogol Margao- Goa,
403601

...Appellant

V/s

1.Santosh Dessai,
The Public Information Officer (PIO),
Office of the S.D.P.O.,
Goa Police S.P.H.Q., Margao, Goa

2. Abhishek Dhanania,
The First Appellate Authority,
Superintendent of Police (South),
S.P. South H. Q.,
Margao, Goa

...Respondents

Shri. Vishwas Satarkar, State Chief Information Commissioner

Filed on: 10/08/2023
Decided on: 26/02/2024

ORDER

1. The Appellant, Dastageer Mulla, r/o. G-2, Plot No. 99, Near Bhatikar Model High School, Gogol Housing Board, Gogol, Margao, Goa, vide his application dated 23/05/2023 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, Sub-Divisional Police Officer, Margao, Goa.

2. The said application was replied by the PIO on 20/06/2023 in the following manner:

<i>Sr. No.</i>	<i>Question</i>	<i>Answer</i>
<i>1</i>	<i>Copies of all complaints filed against myself Dastageer Mulla or my mother Mrs. Bismilla Mulla either by one Anjum Bano or Anjum Belgaum along with copies of all documents submitted by the said complainant at Fatorda Police Station, Margaon Police Station or Maina Curtorim Police Station, Margao SDPO and S.P. South in the month of May, 2023</i>	<i>As per APIO/PI of Fatorda PS, certified copy of complaint is enclosed herewith. Information regarding complainant at Margaon Police Station, Maina Curtorim Police Station and Margao SDPO is Nil</i>
<i>2.</i>	<i>Copies of application filed by one Tara Kerkar or any other person seeking police protection for any action/visit/any other activity at the premises occupied by mother Bismilla Mulla at the above mentioned address or claimed to be occupied by myself Dastageer Mulla</i>	<i>As per APIO/PI of Fatorda P. S./Margao Town P.S./Maina Curtorim P. S. and Anti Human Trafficking Unit, required information is Nil</i>
<i>3.</i>	<i>Copies of all documents related to the said complaint/application including notices to Dastageer Mulla, Bismilla Mulla or any other</i>	<i>As per APIO/PI of Fatorda P. S./Margao Town P. S./Maina Curtorim</i>

	<i>persons, notes, memos, file notings, action taken report etc</i>	<i>P.S. & Anti Human Trafficking Unit required information is Nil</i>
<i>4.</i>	<i>List of the police personnel who visited the above mentioned premises on 16 May 2023 alongwith copies of documents authorizing them to visit the said premises</i>	<i>As per APIO/PI of Fatorda P.S. HC-6546, Wilton Rebello, & LPC-8469, Miss Sunaya Varik both of Fatorda, P. S.</i> <i>As per APIO/PI of Margao Town P.S./Maina Curtorim P.S. & Anti Human Trafficking Unit, required information is Nil</i>
<i>5.</i>	<i>Copy of complaint filed by one Bismilla Mulla on 23 May 2023 at Fatorda Police Station and other authorities as mentioned in the complaint along with copies of all documents relating to the said complaint and action taken report by all authorities mentioned in the complaint i.e. women P.S. Crime Branch Ribandar</i>	<i>As per APIO/PI of Fatorda PS, certified copy of complaint and action taken report is enclosed herewith</i> <i>As per APIO /PI of Anti Human</i>

		<i>Trafficking Unit, CC copy of the complaint dated 23.03.2023 was forwarded to PI Fatorda P. S. for necessary action.</i>
6.	<i>CCTV footage of the recording of the CCTV camera in the cabin of the Police Inspector Fatorda Police Station audio and video on 23 May, 2023 between 11.00 a.m. to 12.00 p.m.</i>	<i>As per APIO/PI of Fatorda PS, CD of CCTV footage is enclosed herewith.</i>

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed the first appeal before the Superintendent of Police (South), Margao Goa on 26/06/2023, being the First Appellate Authority (FAA).
4. The FAA, vide its order, upheld the reply of the PIO and dismissed the first appeal on 25/07/2023.
5. Feeling aggrieved and dissatisfied with the Order of the FAA dated 25/07/2023, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act, with the prayer to direct the PIO to provide the information and to impose penalty on the PIO for denying the information.
6. Notices were issued to the parties, pursuant to which, the Appellant appeared alongwith his representative

Shri. Mukundraj Mudras on 04/10/2023, the representative of the PIO Shri. Ditendra B. Naik appeared and placed on record the reply of the PIO. The FAA, duly served, opted not to appear in the matter.

7. In the course of hearing on 13/02/2024, the representative of the PIO Shri. Ditendra Naik appeared and submitted that, all the available information has been provided to the Appellant on 20/06/2023. However, the representative of the Appellant raised the queries that he is not provided with the copy of the Station diary, list of Police personnel who visited the house of Smt. Bismillah Mulla on 16/05/2023 and the copy of the details of the transfer of Complaint from Anti Human Trafficking Unit (Woman and Child protection Unit) Margao to the Police Station at Fatorda Goa. The representative of the PIO submitted that he is ready and willing to furnish the information. Accordingly, the Commission directed the PIO to come alongwith the information on the next date of hearing and matter was posted for compliance on 26/02/2024.
8. In the course of hearing on 26/02/2024, the representative of the PIO, Smt. Anita A. Kholkar, ASI attached to Fatorda Police Station appeared and furnished (i) Copy of Station diary dated 16/05/2023 (ii) copy of forwarding letter dated 27/05/2023 alongwith the copy of Complaint and (iii) list of Police personnel who visited the house of Smt. Bismillah Mulla on 16/05/2023.
9. The representative of the Appellant, Shri. Mukundraj Mudras verified the information provided by the representative of the PIO and submitted that he is satisfied with the information, except for the list of Police personnel. According to the

Appellant, there were five police personnel visited the house of Smt. Bismilla Mulla on 16/05/2023. However, the names of only four Police personnel have been provided to him. Smt. Amita A. Kholkar assured that she will obtain the details and provide the rest of the information within a week. Considering the submission of Smt. Anita Kholkar, the appeal is disposed of with the direction to the PIO to furnish the rest of the information within fifteen days from the date of receipt of the order.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner