GOA STATE INFORMATION COMMISSION

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Appeal No. 19/2025/SCIC

Shri. Francisco Carvalho,
H.No. 36/6, Borcotegal,
Uguem, Sanguem, Goa ----Appellant

V/s

1.The First Appellate Authority,
Superintendent of Police(South),
Margao-Goa.

2.The Public Information Officer,
Sub Divisional Officer,
Margao-Goa.

3.Assistant Public Information Officer,
Police Inspector, Margao Town Police Station,
Margao-Goa. ----Respondents

Shri. ARAVIND KUMAR H. NAIR-State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	-	26/10/2024
PIO replied on	-	Nil
First Appeal filed on	-	28/11/2024
First Appellate order on	-	26/12/2024
Second appeal received on	-	09/01/2025
Decision of the Second Appeal on	-	25/06/2025

Information sought and Background of the Appeal

1. Shri. Francisco Carvalho filed an application dated 26/10/2024 under RTI Act, 2005 to the PIO, Sub Divisional Police Officer, Margao seeking information at 18 points in connection with the death of Mrs. Sunayna Dessai w/o. Shri. Simmo Dessai in suspicious circumstances at ESI Hospital, Margao, Goa while under the overall control and supervision of Dr. Vishwajeet Fal Dessai, incharge of ESI Hospital, Margao.

   The information sought by the Appellant includes :

   i. CD of autopsy report conducted by the Autopsy doctor.

   ii. CCTV footage of the entrance, general and operation theatre and passage of ESI Hospital Margao.

iii. *Provide call details of IN and AROUND operation theatre of ESI Hospital, Margao from 8 A.M to 9 P.M on 15/02/2023.*

iv. *Details of the Medical Personnel/Consultants secured by the incharge of ESI Hospital, Margao, Dr.Vishwajeet Fal Dessai.*

v. *CCTV footage showing overall role and conduct of incharge of ESI Hospital, Margao. Dr.Vishwajeet Fal Dessai on 15/02/2023.*

2. Perusal of documents filed by the Respondent PIO before the Commission revealed that on receipt of the Appellant's RTI application dated 26/10/2024, PIO (Shri. Santosh S. Dessai, SDPO, Margao) transferred the application u/s. 6(3) to the PIO/Medical Superintendent, ESI Hospital, Margao as information sought by the Appellant at Point No.9-16 pertains to that office and requested to furnish the information directly to the RTI applicant under intimation. A copy of this transfer was forwarded to the Appellant also.

3. Failing to receive any reply/information from the PIO, Appellant filed first appeal dated 28/11/2024 before the First Appellate Authority stating that the Respondent PIO did not provide the sought information till date.

4. FAA (S.P, South Goa) after going through the RTI application, first appeal, Say of Respondent PIO and the arguments advanced by both the parties to the Appeal vide order dated 26/12/2024 dismissed the first appeal with the following observations :

   i. PIO/SDPO, Margao has furnished reply to the Appellant at Point No.2 to 8 vide letter dated 22/11/2024 that information asked by the Appellant is under investigation with the PSI of Margao Police Station. Hence rejected u/s 8(1) (h) of RTI Act, 2005.

   ii. Since the information sought by the Appellant at Point No.2-8 pertains to an offence registered at Margao Police Station vide Cr. No.99/2024 u/s 304-A IPC, which is under investigation and providing information at this stage of investigation may impede the process of investigation or prosecution of offender.

iii. Appellant has no locus standi in the above said case and not made any justifiable submission for furnishing the information.

5. Subsequently, Appellant preferred Second appeal dated 09/01/2025 before the Commission stating that Respondent PIO has failed to provide the information sought by the Appellant and he is not satisfied with the order passed by the FAA. Appellant prayed for direction to the Respondent PIO to provide information including copies and digital evidences.

Facts Emerging in Course of Hearing

6. Pursuant to the filing of present appeal, parties were notified fixing the matter for hearing on 03/04/2025 for which Appellant was present and PIO was represented by APIO and P.I, Margao Police Station. The Presiding Commissioner directed the PIO's representative to file the document pertaining to the transfer of the Appellant's RTI application and also directed the Appellant to file details regarding information he has received from the PIO.

7. Matter was further heard on 05/05/2025 for which Appellant was absent but Respondent PIO was represented by the APIO Shri. Suraj G. Samant, who filed point-wise reply dated 05/05/2025 to the RTI application covering Point No.1-8 and 17-18 (pertaining to the O/o. Respondent PIO). Information was provided to Point No.1,17 and 18 in the RTI application and information sought at Point No.2-8 was denied u/s. 8(1) (j) of the RTI Act, 2005.

8. Matter was adjourned to 22/05/2025. The Registry, however, received a written statement dated 06/05/2025 of the Appellant stating that :

a. *Appellant strongly objects to the oral submission made by the APIO, who according to Appellant failed to take prompt cognizance of the Complaint dated 15/02/2023 and deliberately avoided registering the FIR in a timely manner.*
b. *The Appellant was denied access to information even after the delayed registration of the FIR on 26/11/2024.*

c. *It is concerning that the FIR was filed only against one doctor after his retirement.*

9. Appellant prayed that information sought in original RTI application need to be provided in full and without further delay, strict action be taken against P.I Tulshidas Naik, Investigation Officer, LPSI Vibhavam Gaonkar and responsibility be fixed on PIO and APIO for failing to fulfil obligations under RTI Act.

10. Matter was subsequently called out for hearing on 22/05/2025 and 03/06/2025. Appellant was absent on both the occasions and APIO/PI, Margao appeared on behalf of the PIO on both the times.

11. Matter taken up for final argument 25/06/2025 for which also Appellant remained absent and APIO and P.I Margao Shri. Suraj G. Samant appeared on behalf of the Respondent PIO. APIO filed a copy of the reply dated 20/12/2024 to the original RTI application placed before the FAA during the hearing (24/12/2024) in the first appeal of the Appellant. The information sought at Point No.1-8 and 17-18 in the RTI application are pertaining to PIO/SDPO Margao and Point No.10-16 pertains to the PIO/Medical Superintendent, ESI Hospital, Margao.

As per the reply dated 20/12/2024, PIO furnished information with regard to Point No.1,17 and 18. Since the matter cited by the Appellant in his RTI application, death of Mrs. Sunayna Dessai in suspicious manner in ESI Hospital, Margao, is under investigation, information sought at Point No.2-8 was rejected u/s 8(1) (h) of RTI Act, 2005. Moreover, Point No.10-16 was promptly transferred to the PIO/ESI Hospital, Margao by the PIO/SDPO, Margao to furnish desired information directly to the Appellant.

12. PIO's representative further submitted that the intimation letter dated 22/11/2024 to the appellant requesting to collect the sought information was duly served to the Appellant through PI, Sanguem Police Station but Appellant did not collect the same.

Commission's Observations

i. Information sought by the Appellant is a third party information and the Appellant is neither connected to the incident/individual referred in the RTI application (death of Mrs. Sunayna Dessai is suspicious circumstances at ESI Hospital, Margao on 15/02/2023) nor could establish the public interest in seeking the information pertaining to a third party.

ii. The Respondent PIO has been noticed for promptly transferring the RTI application to another Public Authority (ESI Hospital, Margao) for necessary action at their and intimating the Appellant vide letter dated 22/11/2024 to collect the information (pertaining to the office of the PIO) to the RTI application dated 26/10/2024 of the Appellant but Appellant did not turn up to collect the same.

iii. Commission held total five hearings in the matter from April 3, 2025 to June 25, 2025 but barring first hearing, Appellant/Authorised person remained absent from the hearings.

iv. Appellant has submitted that the PI, Margao Police Station has been failed to take prompt cognizance of the Complaint dated 15/02/2023. However, perusal of documents revealed that the said Complaint is not of the Appellant but filed by Shri. Suraj M. Sawant, brother-in-law of late Sunayna S. Dessai, who died in suspicious circumstances at ESI Hospital, Margao, South Goa on 15/02/2023.

v. The written statement dated 06/05/2025 filed by the Appellant in support of his appeal before the Commission is only to highlight that:

a. *P.I, Margao Police Station, previous APIO(Shri. TulshidasNaik) failed to take prompt cognizance of the above said complaint dated 15/02/2023.*
b. *There is delay in the registration of FIR into the above said death at ESI Hospital, Margao in which Margao Police registered an unnatural death case.*
c. *FIR in this matter was registered against only one doctor after his V.R.S.*

vi. The above mentioned matters in the written statement of the Appellant are closely related to the Police action in the above said UD case and it does not come under the ambit of the RTI Act, 2005 as well as the jurisdiction of the State Information Commission to issue any direction on police investigation.

vii. If the Appellant has any Complaint/Grievance over the Police investigation/action in the said matter, he is at liberty to approach the appropriate forum and not the Commission.

DECISION

Considering the above observations and fact that the information sought by the Appellant pertains to a Third Party and Appellant failed to substantiate that 'public interest' in the disclosure of information sought by the vide RTI application dated 26/10/2024, the Commission does not find any merit in the Appeal. Hence it stands disposed as '*dismissed*'.

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.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVINDKUMAR H. NAIR)
State Chief Information Commissioner, GSIC