

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Complaint No. 32/SCIC/2011

Smt. Vijaya R. Satardekar,
R/o.Flat No.D1/2, 1st Floor,
Cedmar Apartments,
M. G. Road, Panaji-Goa

... Complainant

V/s

The Public Information Officer,
Superintendent of Police (North),
Government of Goa,
Porvorim, Bardez-Goa

... Opponent

Adv. Ms. F. Fernandes for the complainant.
Adv. Shri V. V. Sardessai for opponent.

ORDER
(26/09/2011)

1. The Complainant, Smt. Vijaya R. Satardekar, has filed the present complaint praying that the order dated 23/12/2010 be executed by furnishing the information; that the opponent be directed to give the copies of documents of which inspection is given to the complainant in respect of the said Crime Case No.36/2003 to the complainant free of costs as per Sec.7(6); that penalty be imposed on the opponent; that disciplinary proceeding be initiated, that costs as well as compensation be granted.

2. The case of the complainant is fully set out in the complaint which is on record. In short, it is the case of the complainant that the Second Appeal No.50/2009 filed by her was allowed and the Public Information Officer(P.I.O) was directed to furnish the information to the appellant/complainant vide her application dated 18/09/2009 within 20 days from the date of receipt of order. That inspection was also given and all the process to be completed within 20 days from the receipt of the

order. That the said order was received by the complainant on 10/01/2011 and by the opponent also on the same day. That on 28/01/2011 the complainant inspected some documents through her advocate before Inspector of Panaji Town Police Station as per the direction of the opponent. That the said file did not contain all the documents. That after inspection of the said file, the complainant through her advocate requested for the documents. It is the case of the complainant that in order to delay and defeat the said order dated 23/12/2010 of this Commission and to deny to the complainant the opponent has illegally and baselessly transferred the said letter dated 28/1/2011 of the Complainant's advocate for furnishing her the copies of documents inspected by her and which inspection was given by P.I.O. of Panaji Town Police Station U/Sec.6 of the R.T.I. Act knowingly that such section has no application. That the opponent refused to comply and/or to carry on and/or implement and/or carry the execution of the said order dated 23/12/2010 within the time specified in the said order and continues to do so till to-day in order to delay the furnishing of information in terms of the said order and merely to defeat and frustrate the same. That the opponent is doing the same intentionally, deliberately, willfully and maliciously in order to prevent the complainant from getting the said information. In short according to the complainant there is delay in furnishing information in pursuance of the order of the Commission.

3. The opponent resists the complaint and the reply is on record. In short it is the case of the opponent that the present complaint is frivolous, baseless, devoid of merits and therefore liable to be dismissed. That the complaint is filed by the complainant with malafide intention to harass the opponent. That the opponent received the copy of the order on 12/01/2011 and pursuant to the same, a letter dated 18/01/2011 was sent to the complainant to inspect the file of Panaji Police Station Cr. No.36/2002 which was available with Police Inspector of Panaji Police Station on any working day during the office hours. That the complainant was also intimated to collect copies of the documents which they had sought under R.T.I. Act. That on 20/1/2011, Police Inspector, Panaji Police Station informed vide his letter dated 20/01/2011 that Constable, Ritesh Rane visited the house of the Complainant and upon perusal of the reference, the complainant refused to take the letter and enclosures. That even after sending another letter dated 20/01/2011

the Complainant did not take any initiative to collect the copies of the documents nor did take any trouble to inspect the file. That whatever information was sought by the Complainant has been furnished to the Complainant within the stipulated time. That the complainant is already in possession of documents sought under R.T.I. Act. It is further the case of the opponent that delay was not caused on the part of the respondent but delay was caused due to Complainant's own mistake and that complainant has not taken any initiative/interest in perusing the copies of the documents which were available with P.I. Panaji Police Station. That the opponent should not be held liable for complainant's mistake. According to the opponent, Complaint is liable to be dismissed.

4. Heard the arguments. Ld. Adv. M/s. F. Fernandes argued on behalf of the complainant and the ld. Adv. Shri V. Sardesai argued on behalf of the opponent. Ld. Advocate for the complainant referred to the facts of the case as well as order passed by this Commission. According to her copy was received by the Complainant on 10/01/2011 and respondent received on 12/01/2011. She also referred to Exh.B-3 and about taking of inspection. She next submitted about transfer to P. I. Panaji with intention to cause delay. According to her no copies were given till 16/2/2011 and as such complaint was lodged. She also referred to the reply. According to her there is violation of the order of the Commission and also delay.

5. During the course of his arguments, Adv. for opponent referred to the facts of the case and submitted that they have been sent with a constable. He next submitted that they called the complainant to collect the information but the complainant did not come. He also referred to letter dated 18/01/2011 and 20/01/2011. He also referred to the affidavit sworn by Shri Ranjit Satardekar. According to him, the opponent submitted all the documents and as such complaint is liable to be dismissed.

6. In reply, advocate for the complainant submitted that no affidavit of Ritesh Rane was filed. She next submitted that any person can swear affidavit and Shri Ranjit Satardekar is the husband of the Complainant. She also submitted that letter dated 21/01/2011 was complied. According to her, no information was given till complaint is filed.

7. I have carefully gone through the Records of the case and also considered the arguments advanced by the Ld. Advocates by the parties. The point that arises for my consideration is whether the information is furnished in pursuance to the order of the Commission and whether the same is furnished within time? During the course of her arguments, advocate for the Complainant submitted that information has been furnished and she also referred to the letter from P.I.O. dated 28/02/2011. Advocate for the opponent also submits that the information is furnished.

Since information is furnished, no intervention of this Commission is required.

8. Now it is to be seen whether there is delay in furnishing the information? According to Advocate for the Complainant information was supposed to be furnished within 20 days. Further, the same has not been furnished within 20 days. This is disputed by the advocate for the opponent. Both sides relied on the correspondence which is on record.

9. I have perused the letters and particularly letter dated 28/02/2011. The opponent contends that the delay is on account of the complainant. Whereas according to the complainant, the delay is willful and intentional and the same has been caused by the opponent. To my mind the P.I.O./Opponent should be given an opportunity to explain about the same in the factual matrix of this case.

10. In view of all the above, since the information is furnished, no intervention of this Commission is required. The P.I.O. has to be heard on the aspect of delay. Hence I pass the following order.:-

ORDER

The Complaint is partly allowed. No intervention of this Commission is required since information is furnished.

Issue notice U/s.20(1) of R.T.I. Act to the opponent/P.I.O. to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation if any should reach the

Commission on or before **25/11/2011**. The P.I.O./Opponent shall appear for hearing.

Further inquiry posted on **25/11/2011** at **10.30 a.m..**

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 26th day of September, 2011.

Sd/-
(M. S. Keny)
State Chief Information
Commissioner