

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 250/SCIC/2010

Mr. Jowett D'Souza,
H. No. 139, Ambeaxir,
Sernabatim, Colva,
Salcete - Goa

.... Appellant

V/s.

1) Public Information Officer,
Superintendent of Police,
South District Headquarters,
Margao,
South - Goa

... Respondent No.1.

2) First Appellate Authority,
Inspector General of Police,
Police Headquarters,
Panaji - Goa

... Respondent No. 2.

Appellant in person.

Adv. Shri K. L. Bhagat for Respondent No. 1.

Smt. N. Narvekar for Respondent No. 2.

J U D G M E N T
(12.04.2012)

1. The Appellant, Shri Jowett D'Souza, has filed the present Appeal praying that letter of the Respondent dated 08.06.2010 addressed to the Appellant be quashed, cancelled and set aside; that the order of Respondent No. 2 dated 21.07.2010 be quashed, cancelled and set aside; that the Respondent No. 1 be directed to furnish the information to the Appellant as sought on the application dated 10.05.2010; that disciplinary proceedings be initiated against Respondent No. 1 and 2 and that penalty be imposed on the Respondents for causing inconvenience and loss of precious time.

2. The brief facts leading to the present Appeal are as under:-

That the Appellant, vide letter/application dated 10.05.2010, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer ('P.I.O.)/Respondent No. 1. That the Respondent No. 1 vide letter dated 08.06.2010 rejected the request under Section 8(1) (g) and

8(1) (h) of the RTI Act. Being not satisfied the Appellant preferred an appeal before the First Appellate Authority (F.A.A.). That the Respondent No. 2 served a wireless message on the Appellant dated 20.07.2010 at around 17:55 hours fixing the hearing before Respondent No. 2's office at around 12:00 noon which is less than 24 hours in advance. That Appellant sought some time, however, Respondent No. 2 passed the order. Being aggrieved by the said order the Appellant has preferred the Appeal on various grounds as set out in the Memo of Appeal.

3. The Respondents resist the Appeal and their replies are on record. It is the case of the Respondent No.1 that vide his letter dated 08.06.2010 rejected the request of the Appellant as the information called was part of the Margao Town Police Station Crime No.419/2003 under Section 420 of I.P.C. and 10 and 24 of Immigration Act and the disclosure of which would endanger the life or physical safety of the person and also impede the process of investigation. That the Appellant had earlier filed application dated 09.02.2010 seeking information in Crime No. 417/2003 which is also the subject matter of the present Appeal. That having refused the information, the Appellant preferred the Appeal No. 175/SIC/2010 before this Commission and in pursuance of order dated 06.12.2010 a copy of chargesheet of Crime No. 417/2003 was furnished to the Appellant vide letter dated 31.01.2011. That the documents attached to the chargesheet comprises almost all the information sought by the Appellant vide his application dated 10.05.2011. It is further the case of Respondent No. 1 that since the information has been furnished, the above Appeal be disposed off accordingly.

It is the case of the Respondent No.2 that the Appellant herein was given an opportunity for making out his case against the decision of P.I.O./Respondent No. 1, however, Appellant failed to do so on the scheduled day and time fixed for hearing First Appeal. That though Appellant was present at the venue on the day of hearing of the First Appeal i.e. on 21.07.2010 sought an adjournment beyond prescribed

time limit for disposal of the Appeal. Therefore, it is evident dilatory tactics on the part of the Appellant to unnecessarily involve the First Appellate Authority in delaying the disposal of the said First Appeal. That the F.A.A. was compelled to decide the First Appeal on merits alone after going through the decisions of the P.I.O. That on going through the records the F.A.A. found that there was nothing wrong in the reply and upheld the reply of Respondent No. 1. According to Respondent No. 2 Second Appeal deserves to be dismissed.

4. Heard the arguments. The Appellant argued in person, the learned Adv. Shri K. L. Bhagat argued on behalf of Respondent No. 1 and the learned Adv. Smt. N. Narvekar argued on behalf of the Respondent No. 2.

According to the Appellant chargesheet is furnished, however the same is not given to him.

During the course of his arguments the learned Adv. Shri Bhagat submitted that chargesheet is furnished and also referred to para 4 of the reply.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not?

It is seen that by application dated 10.05.2010 the Appellant sought certain information from the Respondent No. 1. The information consisted of 17 points i.e. Sr. No. 1 to 17. The information sought was in connection with Cr. No. 417/2003. By reply dated 08.06.2010 the Respondent No. 1 informed the Appellant that request is rejected under Section 8(1) (g) and (h) of RTI Act as the information called, is part of Margao Town Police Station Cr. No. 417/03 under Section 420 IPC and Section 10, 24 of Immigration Act and the disclosure of which would endanger the life or physical safety of the person and also impede the process of investigation.

Being not satisfied the Appellant preferred an Appeal before the First Appellate Authority. By order dated 21.07.2010 the Appeal was dismissed and the reply of the P.I.O. was upheld.

6. It is the case of Respondent No. 1 both in the reply as well as arguments that Appellant on 09.02.2010 sought certain information in Crime No. 417/2003 which is also subject matter of this Appeal. The Appellant preferred an Appeal bearing No. 175/SIC/2010 before the Commission. In pursuance of Order dated 06.12.2010 passed by the Commission a copy of the chargesheet of Crime No. 417/2003 was furnished to the Appellant vide letter dated 03.01.2011. In short the information is already furnished to the Appellant. I have also perused the A/D card on record which shows that letter was received. The information sought in the present application is found in the chargesheet.

The Appellant when told about the same agrees that he has received the chargesheet. The Appellant also has no grievance of any sort. Since information is already furnished there is no point in furnishing the same again.

7. Since information is furnished no intervention of this Commission is required. Hence, I pass the following Order:-

ORDER

No intervention of this Commission is required as information/copy of the chargesheet is already furnished. The Appeal is disposed off.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 12th day of April, 2012.

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

