

## **GOA STATE INFORMATION COMMISSION**

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Complaint No. 14/2006/GTDC

Rama Vasu Sawant  
H. No. 371, Sawantwada,  
Amona, Goa, 403 107.

..... Complainant.

V/s.

1. Public Information Officer,  
Goa Tourism Development  
Corporation Ltd.,  
Panaji - Goa.
2. Managing Director,  
GTDC, Panaji.

..... Opponent.

### **CORAM :**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per G. G. Kambli)

Dated: 28/09/2006.

Complainant in person.

Opponent No. 1 in person.

Opponent No. 2 represented by Shri A. T. Fernandes, Deputy General  
Manager (Admn.).

### **ORDER**

This will dispose off the complaint dated 6/7/2006 of the complainant. The facts of the case in brief, are that the complainant vide his application dated 8/11/2005 requested the opponent no. 1 to furnish the following information under the Right to Information Act, 2005 (hereinafter referred to as the Act): -

1. What is the reason for which Colva Police had taken me in custody?
2. While taken to me in Custody, Colva Police had taken any written permission from Head of the office where I was in active service?
3. If yes, please give a certified copy.
4. If no, what was the purpose of Goa Tourism for above arrest?

...2/-

2. The opponent no. 1 by his letter dated 29/11/2005 informed the complainant to contact the Colva Police Station for required information. The complainant reacted to the said reply of the opponent no. 1 vide his letter dated 9/12/2005 stating that the complainant is not interested in the suggestion of the opponent no. 1 for approaching the Colva Police Station but requested either to contact Colva Police Station or transfer the application to the concerned Public Authority. The complainant thereafter approached the opponent no. 2 vide his letter dated 20/1/2006 requesting to furnish the information sought by the complainant.

3. As the complainant did not receive the information either from the opponent no. 1 or from the opponent no. 2, the complainant filed the complaint dated 6/7/2006 before this Commission. The notices were issued to both the opponents. The opponents have filed their written submissions, the copies of which were given to the complainant. The complainant also filed his written submissions at the time of arguments. Besides the written submissions, the parties advanced their oral submissions.

4. Both the opponents submitted that the information sought for by the complainant has been provided. As can be seen from their written submissions, the complainant has been provided, pointwise information, as follows: -

1. What is the reason for which Colva Police had taken me in custody?

Reply: An offence vide Colva P.S. Cr. No. 43/93 U/S 342, 376 r/w 34 IPC was registered on 25.6.1993 upon the complaint of Miss Estella Rodrigues d/o. C. Rodrigues age 14 years r/o Near Bank of India, Velim, Salcete against Shri Rama Vasu Sawant and 4 others for committing rape on her at Colva Beach and in room of Tourist Cottage Colva between 24/25-6-1993 from 19.30 hrs. to 06.00 hrs. (Copy of FIR & letter dated 04.09.06 from Colva Police Station is enclosed).

2. While taken to me in Custody, Colva Police had taken any written permission from Head of the office where I was in active service?

Reply: No.

3. If, yes, please give a certified copy.

Reply: N.A.

4. If no, what was the purpose of Goa Tourism for above arrest?

Reply: The arrest was affected by Colve Police and this office co-operated with the investigation conducted by Police.

5. It will be seen from the above that the information in respect of all the 4 queries has been furnished to the complainant by the opponents. However, the complainant submitted that the opponents in their letter dated 27/8/1998 had informed that the complainant was taken in custody at 1.00 P.M. on 25/6/2005 whereas the FIR was lodged on 25/6/1993 at 14.30 hrs. and therefore the contention of the complainant is that his arrest by the Police could be only after the FIR was lodged and cannot be before the time of lodging the FIR. The scope of this Commission under the RTI Act is very limited to see that whatever information sought by the citizen is furnished according to the request or not. The opponents have furnished the information sought by the complainant. The Commission cannot redress the grievances of the complainant that the Police could not have arrested the complainant before filing the FIR. That apart, the clarification which now complainant is seeking in his written submissions cannot be entertained by this Commission, unless the complainant first approaches the Public Information Officer and the first Appellate Authority for such information.

6. We are fully satisfied that the opponents have provided the information sought by the complainant by obtaining the same from the Colva Police Station and therefore nothing survives in the complaint dated 6/7/2006 of the complainant. Accordingly, the complaint stands rejected. Informed the parties.

(G.G. Kambli)  
State Information Commissioner, GOA.

(A. Venkataratnam)  
State Chief Information Commissioner, GOA.

28/09/2006.