

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 226/2008

Mr. Dinesh Vaghela,
R/o. Navagauri Apt., 2nd Floor
Opp. ICICI ATM, Alto Porvorim,
Bardez – Goa

... Appellant.

V/s.

1) The Public Information Officer
Superintendent of Police North,
Porvorim, Bardez – Goa.

... Respondent No. 1.

2) First Appellate Authority,
Inspector General of Police,
Police Head Quarters,
Panaji – Goa.

... Respondent No. 2.

Adv. G. N. Mishra for the Appellant.
Adv. Shri Dias for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

With reference to the initial information sought under the Right to Information Act on 19.08.2008 and the reply thereto dated 29.08.2008 by the Respondent No. 1, the Appellant on 15.09.2008 sought the following information:

1. The name of the accused arrested.
2. Date of arrest and release.
3. The status of investigation.
4. Copy of the statement recorded by Police incharge from the surrounding people.
5. Copy of the laboratory report.
6. Xerox copy of the statement of the occupant of the flat.
7. Xerox copy of the statement of the occupant of the flat.
8. Certified Xerox copy of the Panchanama done at site.
9. As mentioned in Police F.I.R. dated 12/02/08 that the blast took place is due to LPG Gas. Please provide me detailed evidence to arrive at this conclusion.

10. The cylinder was collected from the blast site. Where was the cylinder exactly placed in the flat?
11. The box of electronic gadgets with burnt bottom was collected by police from the site. Give details of the gadgets.
12. Whether the police dog and the bomb disposal squad has carried out any inspection to check ammonium nitrate gas or LPG Gas was present at the blast site.

2. The Respondent No. 1 by reply dated 23.09.2008, except by providing the copy of panchanama, did not provide the remaining information on the reasoning that it is exempted from disclosure under section 8(1) (h) of the RTI Act as it would impede the process of investigation. Not satisfied with the reply provided, the Appellant preferred First Appeal and by order dated 22.10.2008 the First Appellate Authority upheld the decision of the Respondent No. 1. This is the Impugned Order.

3. Written arguments were filed by the Appellant. Shri Dias, Ld. Advocate appearing for the Respondents stated that except to item 1, 2, 3 and the panchanama, the information sought at item 4 to 12 was not provided as its disclosure will hamper the process of investigation.

4. I have gone through the records of the case and taken into consideration the submissions of both the parties. In the communication dated 29.08.2008 the Respondent No. 1 stated that Crime No. 12/08 u/s. 285 r/w 34 IPC was registered; that the accused were arrested and released on bail; that the examination report of attached material is still awaited and the case is under investigation. Again, on 15.09.2008 the Appellant sought information from the Respondent No. 1 in items mentioned at 1 to 12 of the said letter. On perusing the items 4 to 12 it indicates that the Appellant requires to know the progress of the investigations done in the offence registered under Crime No. 12/08 of Porvorim Police Station. The information sought at item 4, 9, 10 and 11 is regarding statement of the witnesses; details of evidence; the place where the cylinder was found and details of electronic gadgets. All these items are part of the investigation

process and the investigating agency has to be given a free hand and not work under restraint from any information-seeker and the Public Information Officer is justified in denying the information on the strength that it is exempted from disclosure clause u/s. 8(1)(h) of the RTI Act. The information at item 5, 6, 7, 8 and 12 is in respect of laboratory report (i.e. chemical analysis report), statements of the owner and occupants of the flats where the explosion took place and the copy of the panchanama which was already provided to the Appellant. This information sought will not affect the process of investigation and can be provided to the Appellant. Hence, the following order:

ORDER

The appeal is partly allowed. The denial of information sought at item 4, 9, 10 and 11 in the request dated 15.09.2008 is maintained.

2. The Respondent No. 1 to provide the information at item 5, 6, 7, 8 and 12 of the letter dated 15.09.2008 within a period of twenty days from the date of receipt of this order and report compliance on 10.12.2009.

Pronounced in the open court on this 10th day of November 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner