

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 321/2008

Shri John Fernandes,  
Copelabhat Deao,  
Quepem – Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
Office of the Superintendent of Police  
South, Margao – Goa.
2. First Appellate Authority,  
Office of the Inspector General of Police,  
PHQ, Panaji - Goa.

..... Respondents.

Appellant in person.

Adv. Mrs. Harsha Naik for the Respondents.

## **J U D G M E N T**

(Per Afonso Araujo)

The Appellant by request dated 30/12/2008 addressed to the Respondent No. 1 sought information under the Right to Information Act, 2005 (for short the 'RTI Act') pertaining to a incident taken place at Copelabhat Deao, Quepem on 17/12/2008. The information sought is as follows: -

1. In all how many FIR has been registered by the Quepem police in respect of the above incident.
2. Certified copy of the FIR in respect of the Cr. No. 86/08 and 87/08 dated 17/12/2008 registered by the Quepem police.
3. Certified copy of the statement of all the witnesses recorded by the police in respect of Cr. 86/08 and 87/08 and the panchanama conducted/drawn thereon.
4. At what time the first team of Quepem police arrive at the spot of incident and in how many vehicles, give me their names? How may of them were lady constables?

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5. At what time the Quepem P.I. Santosh Dessai and the Quepem mamlatdar Sudin Nato arrived at the spot of incident?
6. At what time the Dy-Collector Venancio Furtado arrived at the spot of the incident?
7. At what time the armed police arrived at the spot of incident among which how many of them were lady constables?
8. At what time the larthy charge on the agitating villagers of Copelabhat started which continued till what time including the arrest of the seven person?
9. How long the entire incident of larthy charge and the arrest of the seven person lasted?
10. How many policeman including the armed policeman remained at the spot of incident after the larthy charge and after the arrest of the seven agitating villagers? Give me their names?
11. How many battens of the police were broken while doing larthy charge on the agitators?
12. Any complaint was received by your office regarding overloading, dust pollution etc. from the villagers of copelabhat? If yes what action your office has taken on their complaint? Give me the details?
13. Give me the voluntary declaration under section 2.

2. The Respondent No. 1 rejected the application on the grounds of exemption from disclosure under section 8(1)(h) of the RTI Act stating that the information called is part of Quepem Police Station Cr. No. 86/08 under section 143, 147, 341, 504, 506(ii) r/e 149 IPC and Cr. No. 87/08 under section 307 IPC and it will impede the process of investigation. Not satisfied by the decision of the Respondent No. 1, the Appellant preferred the First Appeal and by order dated 12/03/2009, the First Appellate Authority maintained the decision of the Respondent No. 1. Hence, this Second Appeal.

3. Shri Fernandes stated that the Respondent No. 1 wrongly applied the exemption clause under section 8(1)(h) of the RTI Act that he is entitled for the FIR and that the ten months has passed and it cannot be stated that the case is still under the investigation and that the question 12 and 13 cannot form part of the investigation and that his application for information was denied with malafide intention and without application of mind. Smt. H. Naik submitted that the manner in which the Appellant has asked for information is not information within the meaning of information under the RTI Act and serious offence of attempt to murder is involved and still under investigation, no chargesheet has been filed and information cannot be provided as it is exempted from disclosure.

4. I have gone through the records of the case and taken into consideration the arguments of both the parties. In the request dated 30/12/2008, the Appellant sought the information in respect of an incident taken place at Copelabhat Deao, Quepem upon which crime No. 86/08 and crime No. 87/08 dated 17/12/2008 were registered at Quepem Police Station. On perusing the request for information, apart from the fact that the Appellant requires the certified copies of the FIR, statement of the witnesses, panchanama, Appellant requires to know the time the Police arrived at spot and how many vehicles were used, at what time Police Inspector, Mamlatdar, Dy. Collector and armed Police arrived at the sport, what time larhi charge started, its duration, how many Policeman including armed Policeman were at the spot and so on. As rightly pointed by Smt. Naik that the manner the Appellant called for information is not 'information' within the RTI Act. In order that an information sought be an information within the meaning of 'information' under RTI Act, it must be from the records, and whatever information the Appellant requires are

various events taken place on that particular day on account of an incident where a group of persons were involved. Moreover, due to this incident, two offences of serious nature were registered at Quepem Police Station and the Cr. No. 86/08 and 87/08 of Quepem Police Station is still under investigation and the Police authorities should be given a free hand to carry out the investigation without any restraint. Consequently, the Appellant is not entitled for the information sought, as it would impede the process of investigation and the Order of the First Appellate Authority maintaining the decision of the Respondent No. 1 that the information sought is exempted from disclosure does not call for any interference. Hence, the following order: -

**ORDER**

The Appeal is dismissed.

Pronounced on this 26<sup>th</sup> day of November, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



