

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 06/2009

Shri J. A. Mendonca,
H. No. 458, Ararim, Socorro,
P.O. Porvorim, Bardez – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Superintendent of Police (North),
Porvorim – Goa.
2. First Appellate Authority,
Inspector General of Police,
PHQ, Panaji - Goa.

..... Respondents.

Appellant in person.

Adv. Ms. D. Kinlekar for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

The information sought by the Appellant in the request dated 23/10/2008 was rejected by the Respondent No. 1 by communication dated 25/11/2008 on the ground that it is exempted under section 8(1)(j) as it would impede the process of investigation and the information in respect of Cr. No. 134/05 of Anjuna Police Station on the ground that the Appellant has no locus standi. Aggrieved by this decision, the Appellant preferred the First Appeal and the First Appellate Authority maintained the decision of the Respondent No. 1. Hence, the Second Appeal.

2. Shri Mendonca stated that the Police have falsely implicated his son in the offence and the information required was not provided and that the exemption clause is not attracted. Smt. D. Kinlekar submitted that the Appellant is not clear as to what he is required and as the investigation is not complete, the information cannot be provided.

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3. I have gone through the records of the case and taken into consideration the submissions of both the parties.

4. In the request dated 23/10/2008, the Appellant sought information under the Right to Information Act, 2005 (for short the 'RTI Act') from the Respondent No. 1, pertaining to crime No. 88/08 under section 394 r/w 34 IPC registered at Porvorim Police Station wherein the son of the Appellant by name Sebastian @ Seby S. Mendonca is involved and also information in respect of Cr. No. 134/2005 under section 304-A IPC of Anjuna Police Station. The Respondent No. 1 denied this information to the Appellant by invoking the provision of section 8(1)(h) of the RTI Act. On perusing the information sought in the request dated 23/10/2008, the number of questions required to be answered by the Respondent No 1 which turned out to be not 'information' within the meaning of RTI Act. The Appellant requires to know under what authority the Police Inspector could secure the presence of any individual; whether he has authority to question his son and other boys; whether the death of Fidelis Ciriace Fernandes was result of false accident case and so on. It appears that the information sought by the Appellant is not specific and is seeking the information in the form of opinions from the Public Information Officer – Respondent No.1.

5. Since most of the information sought at serial No. i to x running into 6 pages in the request dated 23/10/2008, is not information within the meaning of 'information' under the RTI Act, the Appellant is not entitled for such information. No doubt that the offence in Cr. No. 88/08 registered on 29/08/2008 at Porvorim Police Station is serious offence of robbery and it is still under investigation and one Sebastian @ Seby S.

Mendonca is one of the accused. Since the investigation is going on in respect of the serious offence, any information sought at the stage of investigation would impede the process of investigation. But considering that the Appellant is the Father of the said Sebastian @ Seby S. Mendonca and it is the Appellant's contention that his son was falsely implicated in the said offence, the Appellant is entitled to the information in respect of copy of FIR, copy of the arrest panchanama, copy of the letter dated 5/9/2008 of Porvorim Police Station to the Medical Officer and copy of remand application in Cr. No. 88/08 under section 394 IPC of Porvorim Police Station, pertaining only to his son Sebastian @ Seby S. Mendonca. With these observations, the following order: -

ORDER

The Appeal is partly allowed. The Respondent No. 1 to provide information at Sr. No. i, iv(o), iv(q) of the request dated 23/10/2008 within the period of twenty (20) days and report compliance on 08/01/2010.

Pronounced on this 8th day of December, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

