

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 260/2008

Shri Shankar Raghunath Jog,
Margawadi, Sancordem,
Via Tiska – Goa.

..... Appellant.

V/s.

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

..... Respondents.

Appellant absent.

Adv. Smt. Nilima Narvekar for Respondents.

J U D G M E N T

(Per Afonso Araujo)

The Appellant by request dated 10/01/2008 sought the information under the Right to Information Act, 2005 (for short the 'RTI Act') and required inspection and perusal of the file pertaining to the Crime No. 289/2007 of Ponda Police Station and certified copies of all papers including notes in the file.

2. By communication dated 27-28/02/2008, the Respondent No. 2 has provide the information stating that the Crime No. 289/2007 under section 15 of Environmental Protection Act 1956 at Ponda Police Station is under investigation and the information could not be provided as it would impede the process of investigation. Not content with this information provided, the Appellant preferred the First Appeal on 06/10/2008 and by Order dated 19/11/2008 the Respondent No. 1 disposed the Appeal by upholding the Order of the Respondent No. 2. This is the Impugned Order.

...2/-

3. An offence under section 15 of the Environment (Protection) Act, 1986 was registered under Crime No. 289/2007 on the complaint by one Dinar Tarkar. The Appellant sought information by way of inspection of the file pertaining to the Crime No. 289/2007 and also required certified copies of all documents in the said file. The Respondents turned down the request of the Appellant on the strength that the case is under investigation and the information cannot be provided as it would impede the process of the investigation. Since the Appellant is not the Complainant who has initiated the registration of offence in Crime No. 289/2007 and the case is still under investigation, the Respondent No. 2 is justified in denying the information to the Appellant as it falls under the exemption clause (h) of section 8(1) of the RTI Act. There are no reasons for interference with the Impugned Order and hence, the following Order:-

ORDER

The Appeal is dismissed.

Pronounced on this 11th day of January, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

