

GOA INFORMATION COMMISSION

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

Appeal No. 115/2007-08/

Shri Jowett D'Souza,
H.No. 139, Ambeaxv,
Sernabatim Colva,
Salcete – Goa.

... Appellant

V/s

1. The Public Information Officer,
The Superintendent of Police (South),
Town Police Station,
Margao – Goa.

... Respondent No.1

2. The First Appellate Authority,
Dy. Inspector General of Police,
PHQ, Panaji – Goa.

... Respondent No.2

CORAM:

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

(Per G. G. Kampli)

Dated: 18/02/2008.

Appellant in Person

Shri K. L. Bhagat, Government Counsel for the Respondents.

O R D E R

This is a 2nd appeal filed by the Appellant under sub-section (3) of section 19 of the Right to Information Act, 2005 (hereinafter referred to as the Act) against the order dated 04/12/2007 of the Respondent No. 2 passed in case No. PHQ/PER/CELL/RTI/2023/2007. The facts leading to this appeal are that the Appellant by his application dated 26/09/2007 sought certain information in respect of the FIR No. 52 dated 10/08/2005 filed by the Appellant against the Officials of ICICI bank and Assistant Director of Transport. The Respondent No. 1 by his letter dated 13/10/2007 rejected the request of the Appellant under section 8 (1)(h) of the Act on the ground that

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the disclosure of the information would impede the process of investigation of the said crime. The Respondent No. 2 before whom the first appeal was filed against the rejection letter of the Respondent No. 1 had also rejected the appeal and upheld the rejection letter of the Appellant on similar grounds. The Respondent No. 2 also came to the conclusion that in the event the information is disclosed, it will “set a bad precedent.”

2. On issuing the notices, both the Respondents filed their affidavit in reply which have not been sworn before a competent authority and therefore the Commission treats them as replies and not as affidavit-in-reply. Both the Respondents were represented by the Government Counsel, Shri K. L. Bhagat.

3. The Appellant contended that this Commission has already decided the 3 appeals filed by him and the Respondent No. 1 be directed to provide the information requested in the present application. Shri K. L. Bhagat, Government Counsel, submitted that if the copies of the document are provided to the Appellant, it may impede the process of investigation. This Commission while disposing of the 3 appeals namely, appeals No.86,87,90/2007-08 filed by the very Appellant against the same Respondents by its common order dated 17/01/2008 has held that the disclosure of the information /documents to the Appellant cannot be said to impede the process of investigation. On the contrary, the Appellant, who is the Complainant in the said criminal case is very much interested in completion of the investigation as early as possible and the Appellant cannot use the information if disclosed to impede the process of investigation. In case the information is provided to the Appellant, he may render valuable assistance and cooperation to the investigation officer to carryout the investigation early in accordance with the provisions of law. The disclosure of the documents will also remove the doubt of the Appellant as the Appellant apprehended that proper investigation is not being carried out so as to protect the culprit the manager of the ICICI bank with collusion of the RTO Official, Police Officials and recovery agent. We also reject the contention of Respondent No. 1 that disclosure of information will set a “bad precedent”. If anything, it will set a “good precedent.”

4. In the present case, we maintain the same view as held in the earlier 3 appeals and accordingly, allow the appeal and set aside the letter dated 13/10/2007 of the Respondent No.2 and the order dated 4/12/2007 of the Respondent No. 2. We direct the Respondent No. 1 to provide the information to the Appellant within 15 days from the date of this order.

Announced in the open Court on this day of 18th February, 2007.

Sd/-
(G. G. Kambli)
State Information Commissioner

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

No.GSIC/Appeal- 115/2007-08/TPS

Goa State Information Commission
Shrama Shakti Bhavan,
Patto Plaza, Ground floor,
Panaji – Goa.

Dated: 20/02/2008.

1. The Public Information Officer,
The Superintendent of Police (South),
Town Police Station,
Margao – Goa.
2. The First Appellate Authority,
Dy. Inspector General of Police,
PHQ, Panaji – Goa.

Sub: - Complaint No. No.GSIC/Appeal No.115/2007-08/TPS.

Sir,

I am directed to forward herewith the copy of the Order dated 18/02/2008 passed by the Commission on the above Appeal for information and necessary action.

Yours faithfully,

(Pratap Singh Meena)
Secretary,

Encl: Copy of Order in 2 pages.