GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal no:29/SIC/2011 | 654

Shri Domnic D'Souza,
R/o H.No.315/4, Tropa Vaddo,
Sodiem, Siolim – Goa.

..... **Appellant**

v/s

1. Public Information Officer,
   Superintendent of Police(SPCR)
   Police Head Quarters,
   Panaji – Goa.

.... **Respondent/Opponent**

Relevant emerging dates:

Date of Hearing : 16-08-2016
Date of Decision : 16-08-2016

ORDER

1. Brief facts of the case are that the Appellant had vide an application dated 26/09/2010 before the Respondent PIO/S.P. (S), Margao Salcete Goa sought certain information on a Christian Prayer Retreat that was scheduled to be held on the 14th 15th and the 16th September, 2010 at Royal paradise Hall located Mugalli, Curtorim.

2. It is seen that the Respondent NO.1/PIO transferred the said application U/S 6(3) of the RTI Act to the Respondent No.2/PIO State Police Control Room, Panaji-Goa who is also Superintendent of Police SPCR, Panaji-Goa with a request to furnish reply as regards to point No.5 & 6 of the application dated 26/09/2010 directly to the applicant under intimation to the office of the PIO /S. P.(S).

3. It is the case of the Appellant that the Respondent provided incomplete information by rejecting the information pertaining to the phone/mobile numbers and name of the party from whom the call was received by the Police Help Line (Dial-100) u/s 8 (1) (g) of RTI.

4. Not satisfied with the reply of the PIO for rejecting certain part information under Section 8(1) (g) of the RTI Act the Appellant subsequently filed a First Appeal on 19/01/2010 and the First Appellate Authority (FAA) vide an order dated 15/12/2010 rejected the First Appeal and being aggrieved the Appellant has thereafter filed a Second Appeal with the commission which is registered on 14/02/2011.

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5. During the hearing Appellant is represented by Smt. Sneha Toraskar is present in person. The Respondent PIO represented by Adv. Smt. Harsha Naik is also present. The learned Advocate for the Respondent submits that the PIO has rightly rejected the disclosure of certain information u/s 8(1)(g) regarding the mobile number and name of the informant who made the call to the Police Control Room as a safety measure to ensure safety to the caller/informer as such information which is received at Police Help Line (Dial-100) is kept confidential.

6. It is further submitted that several calls are received at Police Helpline every day from the public providing valuable information to the police about past, current and possible happening in the society and it is expected by the informants that their identity is kept confidential and unexposed and which the police is duty bound to honour.

7. It is also contended that although the records of calls received at PCR may be Public documents, but if the police start exposing the details of telephone numbers and names of the caller/informants there is possibility that the life of these persons could be endangered because of vendetta at the hands of the persons applying for details of such information under RTI Act and as such the identity of informers and source of such information cannot be revealed.

8. It is further argued that the PIO has provided all information except the name and telephone number of the call made to the PCR because of the safety and security of the informant and that the citation relied upon by Appellate in the written argument is not relevant in the present case as it does not mention anything about the calls on helpline 100.

9. The Commission has perused the material or record including the reply filed by the Respondent PIO, the written arguments of the appellant and the order of the FAA. No doubt PCR calls made on telephone no 100 are in fact public documents, however if the caller has specifically requested the police to keep his/her identity confidential then it is binding on the part of the police not to disclose the identity/ mobile number of the caller /informant person.

10. The Commission agrees with the contention of the Advocate that if Police start providing such information there could be vendetta at the hands of the RTI applicant and danger to life and property of the persons/ informer / caller and hence the identity is kept a secret.

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11. The Commission therefore comes to the conclusion that the information as requested by the Appellant, for the reasons stated by the PIO, comes within the ambit of the exemption under Section 8(1)(g) of the RTI Act....."8(1)(g) .....information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes".

12. The commission accordingly holds that the disclosure of such information may compromise and jeopardize the life or physical safety of the informer and those providing such tip-off. The provision of Section 8(1)(g) of the RTI Act is quite clear and has very thoughtfully restricted access to information in such matters which are to be treated as confidential. The Commission sees no reason to interfere with either the reply of the Respondent PIO nor the order passed by the FAA and hence the same is upheld.

Accordingly the Appeal stands rejected.

All proceedings in the Appeal case stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the Order be given free of cost.

Sd/-

(Juino De Souza)
State Information Commissioner

Under Secretary cum Registrar
Goa State Information Commission