

**GOA STATE INFORMATION COMMISSION**

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

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**Shri Prashant S.P. Tendolkar,  
State Chief Information Commissioner,**

**Appeal No.214/SIC/2010**

Vincy Pereira,  
Damani Cuncolim,  
Cuncolim Salcete- Goa.

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Appellant

**V/s**

1)The Public Information Officer,  
Dy. Collector & SDO,  
Margao Salcete –Goa.

2)The First Appellate Authority,  
Additional Collector-I,  
South Goa District,  
Margao –Goa.

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Respondents.

Filed On:23/09/2010.

Decided on:27/02/2017.

**1) FACTS:**

- a) The appellant herein by his application dated 22/04/2010 filed under section 6(1)of the Right to Information act 2005(Act) sought from the PIO the information pertaining to the number and names of the Junior Engineer, UDC's appointed as supervisors and enumerators for census work. He also sought the names of staff of Electricity Department Margao posted for census duty whose orders are cancelled and changed. In addition to the said points the appellant also at point (5) and (6) of his application wanted to know the criteria adopted for appointment of such enumerators and supervisors and also if there is any provisions to appoint any Government official with lower grade pay over Senior Government officials.

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- b) The said application was replied on 29/04/2010 by the PIO stating that the record of census are confidential in nature and not open to inspection. This reply was accompanied by the copy of extract pertaining to some instruction issued by the copy of census commissioner of India.
- c) Being aggrieved by the said , the appellant came in 1<sup>st</sup> appeal before the First Appellant Authority (FAA). He failed to dispose the appeal within time and hence the appellant has approach this Commission in 2<sup>nd</sup> appeal.
- d) Notices were issued to the parties pursuant to which the PIO appeared. The appellant remained absent. PIO filed his written statement dated 16/02/2017 by reiterating the matter as contained in his reply issued to the appellant under section 7 (1) of the act. He further submitted that his said statement be treated as his argument. As the appellant has failed to appear, an opportunity was given to him today and matter was posted today, inspite of which he remained absent.

## **2) FINDINGS:**

- a) I have perused the records. As per the application filed under section 6(1) of the Act the appellant has sought for name of J.Es and UDC's posted as supervisors and enumerators for the census work. As per the reply of the PIO the said information comes within the exceptions and restrictions contained in the instruction issued by the Commissioner of census .I have perused the said instruction which are enclosed by the PIO alongwith the reply. The same prohibits disclosure of the information namely inspection of book registers and records, made by census officer in the discharge of his duty. Thus what is prohibited under the instruction are the disclosure of data either by way of inspection or otherwise, collected by the census

officer. In other words the details collected by the census officer after their appointment is exempted from the disclosure. The detail pertaining to appointment is not coming under the exception contained in said instruction.

- b) In the aforesaid circumstances I find that the appellant is entitled to have the information as sought by him except at points (5) and (6) being in nature of opinion or policy. From the above I find merits in the appeal and hence the same is disposed with the order as under:

**O R D E R**

The appeal is partly allowed. The PIO shall furnish to the appellant the information sought by him at points (1) to (4) and (7) of his application dated 22/04/2007. The request of appellant for information at point (5) and (6) of his application, dated 22/04/2010 is rejected. The information to be furnished within 30 days free of cost.

Notify the parties.

Proceeding closed.

Pronounced in the open proceeding.

Sd/-  
**(Mr. Prashant S. Prabhu Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa