

GOA STATE INFORMATION COMMISSION

Seventh Floor, Kamat Towers, Patto, Panaji, Goa.

Appeal No. 25/2017

Mr. Charles D'Cruz,
R/o. H. No. 230, Ranoi,
Aldona, Bardez-Goa
V/s.

..... Appellant

1. Public Information Officer,
Sub Divisional Police Officer,
Having its office at Mapusa, Bardez-Goa

2. Smt. Ubaldina Josephine Mascarenhas,
R/o. House No. 150,
Cruz Vaddo, Quitula,
Aldona, Bardez-Goa

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 21/03/2017

Decided on: 31/10/2017

ORDER

1. By an application, dated 24/11/2016 appellant Mr. Charles D'Cruz filed an application, under section 6(1) of the Right to Information Act 2005, sought copy of the tenancy verification form alongwith all documents filed by Smt. Ubaldina Josephine Mascarenhas, R/o. Quitula, Aldona, Bardez-Goa with regards to all the tenants residing in her house bearing Survey No. 170/6. The said information was sought from the Respondent No. 1 PIO of Mapusa Police Station.
2. The said application was responded by Respondent No. 1 Public Information Officer (PIO) on 19/12/2016 based on the information furnished to him by APIO /Police Inspector, Tushar Lotlikar, Mapusa Police Station. The information was denied to him under section 8(1)(j) of the Right to

Information Act 2005 being personal in nature. And also on the ground that owner of said premise Smt. Ubaldina Josephine Mascarenhas had objected for furnishing the said information to the appellant.

3. In view of such rejection the appellant filed first appeal with First Appellate Authority (FAA) on 27/12/2016 which was dismissed by the First Appellate Authority on 15/02/2017.
4. The appellant therefore has approached this Commission in the second appeal u/s 19(3) of the Act assailing the order of FAA.
5. Notice were issued to the parties, pursuant to which appellant was represented by Advocate N. Porob. Respondent was represented by PI, Tushar Lotlikar.
6. The notices were issued to 3rd party, Smt Ubaldina Josephine Mascarenhas, R/o. Quitula, Aldona, Bardez-Goa u/s 19(4) of the Right To Information Act 2005. In pursuant to which Advocate Anish Bakal appeared.
7. Respondent PIO filed reply on 25/09/2017. Reply also came to be filed on behalf of 3rd party on 04/09/2017.
8. Arguments of the parties were heard.
9. It was submitted by the Advocate N. Porob that said Smt. Ubaldina Josephine Mascarenhas had been illegally inducting migrants and the said tenant illegally throw garbage and other waste material in the said property and as such appellant required the names of the tenants in order to file complaint. He further submitted that the information sought is not personnel and the same affects the interest of the Public in general as the same is likely to jeopardize the Public peace, safety and security.

10. The Respondent PIO vide his reply submitted that tenant verification forms are filled for the verification of the antecedent of persons residing in the jurisdiction of their Police Station and are filled solely for the information of Police Department. It was further contended tenant verification forms contains the personal information of the person and as there is dispute between Appellant and said Ubalдина Josephine Mascarenhas possibility of using the same by appellant for ulterior motive there by creating problems to the person cannot be ruled out.
11. The Respondent No. 2 Smt. Ubalдина Josephine Mascarenhas, vide her reply objected for furnishing the same as the same relates to personal information. It was further submitted that it has got no relation to Public activity or interest. It was further contended that if it is disclosed there will be invasion of privacy of individual.
12. I have considered the pleadings of the parties vide the memo of appeal, reply filed by the PIO's and the third party and also the submissions made by the appellant and the Respondent PIO and the third party. Considering the rival contention of the party herein, the point which arises for my determination is:-
 - i) Whether the information sought have any relationship to any public activity or involves any larger public interest.
 - ii) Whether the appellant is entitled for the said information.
13. The term "public interest" use in this provisions requires that the disclosure of the information is necessary for the people as whole and concerning the affairs of the community. In the case where interest of the public at large would be jeopardise by withholding the information in such event the same is required to be shared in the interest of society.

14. The petitioner herein has not been able to justified how **the information would be in public interest**. The litigation between him and Ubaldina Mascarenhas is pure and private one. The information sought doesnot seems to have any relationship to any public interest or public activity and expressively sought to be used to file police complaint.
15. The tenant verification forms are submitted with the Police Department for verification of antecedent and the said forms contains personal information's of persons. It appears that on verification of the antecedent by the Police they didnot find anything wrong as such they didnot take any legal action against them. The contention of the appellant that the public peace, safety and the security will be affected cannot be accepted as no complaints of whatsoever nature are on records which are filed against those tenants by the other people residing in same locality. On the contrary since there is dispute between Smt. Ubaldina Josephine Mascarenhas and the present appellant using the said personal information of the tenant for personnel gains cannot be ruled out.
16. The Advocate for the Appellant also relied upon the decision given by Central Information Commission in case of Mrs Ram Ratti V/s Central Public Information Officer, Delhi Police, firstly I have to observe that the said order doesnot have a binding effect over this Commission being passed by another Commission being concurrent in jurisdiction. Secondly the facts of those case were different from the present case. In the said case the appellant Mrs. Ram Ratti herself has submitted tenant verification form to the police regarding her tenants as she did not received verification report for 2 years she filed application under Right to Information Act. In the said case the appellant was aware of the particular of the tenants as she herself had provided the said information to the police. In the present case it is not so. Here the information seeker is trying to seek the

information furnished by third party to police with regards to her tenants.

17. The information here is clearly about personal details and as such there is no reason why it should be made available to information seeker beside this information has no relationship to any public activity. Under this circumstances there is no tangible purpose to override the exemption u/s 8(1)(j) of Right to Information Act. As such I hold that the basic protection afforded by virtue of exemption (from disclosure) enacted u/s 8(1)(j) cannot be lifted or disturbed.

18. In view of above, the appeal disposed as dismissed. Proceeding stands Closed.

Pronounced in open proceedings. Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Sd/-

(Ms. Pratima K. Vernekar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa

Kk/-

