

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Complaint No: 35/2019/SIC-II**

Shri Parshuram Shirgaonkar,  
H. No. 245, Behind Cine Vishant,  
Aquem, Margao Goa.

**..... Complainant**

**v/s**

1. Public Information Officer-II (PIO),  
Shri Totentino Furtado (Statistical Officer),  
Directorate of Planning, Statistics &  
Evaluation,  
Alto Porvorim - Goa.
2. First Appellate Authority,  
The Director,  
Directorate of Planning, Statistics &  
Evaluation,  
Alto Porvorim - Goa

**..... Opponents**

**Relevant emerging dates:**

**Date of Hearing : 20-11-2019**

**Date of Decision : 20-11-2019**

**ORDER**

1. **Brief facts** of the case are that the Complainant vide an RTI Application dated 24/12/2018 sought certain information U/S 6(1) of the RTI Act, 2005 from the Respondent PIO, O/o of Directorate of Planning, Statistics & Evaluation, Porvoirm- Goa.
2. The information pertains to a third party namely Ms. Pragati w/o Pankaj Kolambkar @ Trupti Haldankar R/o H.no. 242 Behind Cine vishant, Aquem, Margao- Goa and working under the department and posted presently at Zonal Agriculture Office Margao. The complainant is seeking information at 27 points about the recruitment of Ms. Pragati w/o Pankaj Kolambkar *inter alia* regarding Certified copy of prescribed application submitted by Ms. Pragati Kolambkar during period of joining service and of bio-data submitted during joining of service and advertisement of the post published and date of joining of service of concerned and certified copy of election card, Adhaar card and copy of work experience certificate and other such related information contained in the RTI Application therein. ...2

3. It is seen that PIO vide letter No. DPSE/RTI/PIO/29/2018/153 dated 26/01/2019 informed the Complainant that the information sought is personal in nature and cannot be divulged under section 8 (1) (j) of the RTI Act, 2005 and that the third party has also communicated her objection vide letter dated 10/01/2019.
4. Not satisfied with the reply of the PIO, the Complainant filed a first Appeal on 25/02/2019 and First Appellate Authority (FAA) vide an order dated 22/03/2019 stated that no information can be provided to the Appellant under section 11 read with section 8 (1) (j) of the RTI Act 2005, for point Nos. i, ii, iii, vi, vii, viii, xii, xiii, xiv, xv, xvi, xvii, xviii, xix, xx, xxi, xxii and xxvii and information in respect to point Nos. ix & xi is not available with department and in respect to point nos. xxv and xxvi the affidavit and undertaking at the time of joining service was not mandatory. The FAA however directed the PIO to provide information in respect of the Point Nos. iv, v, x, xxiii & xxiv free of cost within seven days.
5. Being aggrieved with the order of FAA, the Complainant has approached Commission by a way of complaint case registered on 30/04/2019 and has prayed to provide information sought in the RTI Application free of cost and for penalty on Respondent no.1 and Respondent no.2 for not securing protection to the appellant towards ill treatment by the third party and strict disciplinary action against Ms. Trupti Kolambkar and her husband Mr. Pankaj Kolambkar.
6. **HEARING:** During the hearing the Complainant Shri Parshuram Shirgaonkar is present in person. The Respondent PIO, Shri. Totentino Furtado, Statistical Officer is present alongwith Shri. Sunil Parsekar, investigator with the public authority. The PIO files a rejoinder to the written submission of the Complainant a copy of which is taken on record and one copy is served on the Complainant. The FAA, Dr. Y. Durga Prasad, Director, Directorate of Planning Statistics & Evaluation is also present in person. ....3

7. **SUBMISSION**: At the outset the Complainant submits that the information was sought is in the larger public interest and states that he was harassed and abused by the third party and her husband Pankaj Kolambkar during the hearing before the First Appellate Authority (FAA), and that the Complainant had brought this fact to the notice of the Commission and however the commission refused to entertain this grievance.
8. The Complainant also submits that he must get protection during the hearing going in the chamber of the FAA specially when the third party is also present and that the FAA did not provide any protection and raises other such extraneous issues.
9. Per contra the PIO submits that a reply was furnished to the Complainant stating that certain information in the RTI application cannot be furnished it being exempted u/s 8 (1)(j) of the RTI Act, 2005 and that the third party has also communicated her objection vide letter dated 10/01/2019. It is also submitted that the FAA had upheld the reply and that the information at certain other points have been furnished as per the directions of the FAA.
10. **FINDINGS**: The Commission has heard the both parties and perused the material on record including the reply of the Complainant and the rejoinder of the PIO. The point for the determination is whether certain information sought in the RTI application is exempted as per section 8(1)(j) being personal information which cannot be furnished.
11. In this context the Commission finds that Certain information about birth certificate, bio-data, mark sheets, educational /caste certificates and other such information which is personal in nature certainly falls under the classification of 'personal information' and exempted u/s 8(1)(j). Besides, the Complainant has not made out any case to show larger public interest.

12. The exemption u/s 8 clause (1) sub clause (j) would cover information which is in the nature of personal information and the disclosure of which would have no relationship to any public activity or interest or the disclosure of which would cause unwarranted invasion of the privacy of an individual. The Commission also finds that the concerned third party had objected to furnishing the information vide letter dated 10/01/2019 after the PIO had invoked section 11 of RTI act.
13. **DECISION:** No intervention is required with the order of the FAA which is a justifiable and a reasoned order. It is also seen that the PIO has complied with the order of the FAA and provided certain other information free of cost as directed by the FAA.

**The Complaint case is devoid of merit and stands dismissed.**

Consequently the prayer of the Complainant for imposing penalty on the PIO and the FAA and other reliefs stands rejected.

14. Before parting the Commission finds that the complainant has raised extraneous issues accusing the third party and her husband of abusing him during the hearing before the FAA and which however has been denied by both the PIO and FAA.
15. The FAA / Commission hears and decides RTI cases purely as per the RTI Act, 2005 and has nothing to do with criminal allegations. If the Complainant felt he was abused by the third party, he could have lodged a complaint with the police which is the appropriate authority.

**With these observations the Complaint case stands 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**

