

GOA STATE INFORMATION COMMISSION

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Appeal No. 269/2021/SCIC

Sushant P. Nagvenkar,
H.No. C-312, Fondvem,
Ribandar-Goa.

.....Appellant

V/S

1. Medha A. Desai,
Dy. Director and Public Information Officer,
Directorate of Food and Drugs Administration,
Bambolim-Goa.

2. Jyoti J. Sardesai,
Director and First Appellate Authority,
Directorate of Food and Drugs Administration,
Bambolim-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 28/10/2021

Decided on: 19/04/2022

ORDER

1. The Appellant, Shri. Sushant P. Nagvenkar, r/o. H.No. C-312, Fondvem, Ribandar, Goa by his application dated 02/06/2021 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Deputy Director, Directorate of Food and Drugs Administration, Bambolim-Goa.
2. The said application was responded by the PIO on 14/06/2021 and offered inspection of records on 17/06/2021 at 11:00 am in the office of PIO at Bambolim.
3. By another communication dated 28/06/2021 and dated 04/08/2021, the PIO furnish all the available information to the Appellant except the copy of Aadhar card. The copy of Aadhar card was rejected by the PIO being exempted under section 8(1)(J) of the Act.

4. Dissatisfied with the reply of the PIO, the Appellant preferred first appeal before the Directorate of Food and Drugs Administration at Bambolim Goa being the First Appellate Authority (FAA).
5. The FAA by its order dated 08/09/2021, partly allowed the appeal and directed the PIO to examine the request of the Appellant, after following the procedure under section 11 of the Act.
6. Upon complying the order of the FAA by letter No. 187 (045)/DFDA/FSSA/RTI/2021/3413 dated 17/09/2021 notice was issued to Prabhakar Vasudev Volvoikar under section 11 of the Act. Since no reply was received from the third party within 10 days another letter was issued in the name of the wife of the third party, Smt. Prabhavati P. Volvoikar. In reply dated 10/10/2021 said Prabhavati Volvoikar objected to disclose the copy of the Aadhar card of her late husband, therefore the PIO rejected the request of the Appellant.
7. Being aggrieved with the decision of the PIO, the Appellant landed before the Commission by this second appeal under section 19(3) of the Act.
8. Notice was issued to the parties, pursuant to which PIO, Ms. Shweta Dessai appeared and filed her reply on 03/02/2022. She also placed on record the reply of FAA on 23/02/2022 and placed reliance on office memorandum dated 20/06/2017 issued by Ministry of Personal, Public Grievances and Pensions, Department of Personnel and Training and matter was posted for argument on 16/03/2022.
9. During the course of argument, the PIO submitted that she offered inspection of file to the Appellant and accordingly on 23/07/2021, the Appellant carried out the inspection and the available information has been furnished to the Appellant, however she did not furnish the copy of Aadhar card in view of the Memorandum

No. F.No.1/1/2013-IR (Pt) dated 20/06/2017 issued by Department of Personnel and Training IR (Division), Government of India.

On perusal of the said Office Memorandum, I am of the opinion that same is not relevant in the matter. By the said Memorandum, the DOPT has issued some instructions to all Departments, regarding:-

(a) the personal information details like Aadhar no. should not be asked for while handling RTI applications.

(b) that the Aadhar no. or such other personal information is hidden from public view while uploading the RTI applications/ Appeals/ Replies to the RTI applications on websites, if Aadhar no. is mentioned therein and instructed not to insist upon the copy of Aadhar card while dealing with RTI matters. Apart from that such a Memorandum cannot override the provisions of the Act. Being so, the Commission suggested the PIO to furnish the copy of Aadhar card, if available in the records, on next date of hearing.

10. On the next date hearing i.e on 12/04/2022, the PIO, Ms. Shweta Dessai appeared and furnished the copy of Aadhar card to the Appellant. Appellant submitted that he is satisfied with the information furnished to him. In view of the above the matter is disposed off.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner