

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

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Appeal No. 13/2023/SCIC

Mr. Brutano Peixoto,
R/o. H.No. 56/2, Cavorim,
Covatem, Chandor, Salcete,
Goa 403714.

.....Appellant

V/S

1. The Public Information Officer (PIO),
Office of Superintendent,
Administration Branch,
Police Head Quarters,
Panaji-Goa 403001.

2. The First Appellate Authority,
Superintendent of Police,
Head Quarters, Panaji-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 03/01/2023

Decided on: 15/06/2023

ORDER

1. The Appellant, Mr, Brutano Piexoto, r/o. H.No. 56/2, Cavorim, Covatem, Chandor, Salcete-Goa vide his application dated 27/07/2022 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), Office of Superintendent, The Director General of Police, Police Head Quarters, Panaji-Goa.
2. The said application was responded by the PIO on 22/08/2022, in the following manner:-

"Please refer to your application dated 27.07.2022 on the subject cited above. The same was received in this office on 01.08.2022.

The information pertaining to this Office and available on records of this Office is as under:-

<i>Pt.No.</i>	<i>Question</i>	<i>Reply</i>
<i>1.</i>	<i>As per your application point no. 1</i>	<i>Application / Representation is under consideration and the information will be produced after finalization of the same.</i>

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Superintendent of Police, Head Quarters at Panaji-Goa being the First Appellate Authority (FAA).
4. The FAA vide its order disposed off the said appeal on 06/10/2022, without granting any relief to the Appellant.
5. Aggrieved and dissatisfied with the order of the FAA dated 06/10/2022, the Appellant landed before the Commission with this second appeal under Section 19(3) of the Act.
6. Parties were notified, pursuant to which the Appellant appeared in person on 28/02/2023, the PIO, Shri. Vasudev Garudi appeared and filed his written submission and matter was posted for arguments on 20/03/2023.
7. In the course of hearing on 20/03/2023, the PIO, Shri. Vasudev Garudi appeared and furnished bunch of documents to the Appellant and submitted that he has furnished purported information to the Appellant.

The Appellant also admitted that he has received the information from the PIO, however, stressed upon to impose penalty on the PIO for causing delay in furnishing the information.

8. Perused the pleadings, reply and scrutinised the documents on record.
9. At the outset, as regards the merit of request for information is concerned, it contains element of personal information of the

officer who made noting in the file, in other words the Appellant is seeking the details of the author of the note sheet. Such type of information is ordinarily barred from disclosure, because it has a potential to expose the author of such information to harassment, intimidation, defamation and worse. The information seeker is expected to seek the information regarding the public affairs and decision of the public authority. The High Court of Karnataka at Bangalore in the case **H.E. Rajshekhappa v/s State Public Information Officer and Another (W.P. No. 10663/2006)** has held that:-

"5. The object of the Act is to provide right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. In view of the above provisions excerpted, it cannot be said that Section 2(f) of the Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority. Therefore, the respondent No. 3 had no right under the Act to seek personal information of the petitioner. The respondent No. 2 / appellate authority has erred in directing the petitioner to furnish the information as sought for by the respondent No. 3. As the respondent's application is vexatious and it is an attempt made to settle scores with the petitioner."

10. In the case in hand, the application under Section 6(1) of the Act was filed on 27/07/2022, and same was responded by the PIO on 22/08/2022, thereby, informing the Appellant that his

application is under consideration and eventually the purported information has been furnished to the Appellant on 20/03/2023.

11. The High Court of Bombay, Goa Bench at Panaji in case **Public Authority Officer of Chief Engineer, Panaji v/s Shri. Teshwant Tolio Sawant (W.P. No. 704/2012)** while considering the marginal delay has observed as under:-

"6. The question, in such a situation, is really not about the quantum of penalty imposed, but imposition of such a penalty is a blot upon the career of the Officer, at least to some extent. In any case, the information was ultimately furnished, though after some marginal delay. In the facts and circumstances of the present case, the explanation for the marginal delay is required to be accepted and in fact, has been accepted by the learned Chief Information Commissioner. In such circumstances, therefore, no penalty ought to have been imposed upon the PIO."

12. The High Court of Punjab in the case **State of Punjab & Ors. v/s State Information Commissioner & Ors. (LNIND 2010 PNH 2809)** has observed as under:-

"The delay was not inordinate and there was no contumacious misconduct on the part of the officer to supply to the petitioner the information. The penalty provisions under Section 20 of the RTI Act are only to sensitize the public authorities that they should with all due alacrity and not hold up the information which a person seek to obtain. It is not every delay that should be visited with penalty."

13. In another judgement the Hon'ble high Court of Bombay at Goa Bench in the case **Shri. A.A. Parulekar v/s Goa State Information Commission & Ors. (W.P. No. 205/2007)** has observed:-

"11..... The order of penalty for failure is akin to action under criminal law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."

In the present case, the RTI application dated 27/07/2022 was responded by the PIO on 22/08/2022, that is within stipulated period. This is not the case where the PIO was unwilling to provide the information to the Appellant but only sought time to furnish the information.

It is also a matter of fact that, the Appellant filed multiple applications before the same public authority, where the Appellant is working having grudge against his own senior colleague. It cannot be anybody's case that one single person should monopolise the time and resources of the public authority just because RTI Act gives him the right to seek information.

14. The Appellant also prayed that, he may be compensated for delay in providing the information. However, he did not make out any specific plea for amount of loss incurred or shown actual quantum of damage caused to him. Such a relief cannot be granted to the Appellant being irrational and unfounded. The Hon'ble High Court of Bombay, Goa Bench in recent judgement in the case **Santana Nazareth v/s State of Goa & Ors. (2022 (6) ALL MR 102)** has held as under:-

"4..... compensation as in Section 19(8)(b) is intended to be provided to the information seeker by the public authority on proof of loss or sufferance of detriment by

the former because of negligence, carelessness or recalcitrance of the later. Merely because the petitioner was found to have suffered hardship did not entitle her to payment of compensation unless a case of loss or sufferance of detriment was specifically set up in the appeal.”

15. Considering the facts and circumstances hereinabove, I am of the opinion that there was no malafide intention for causing delay in furnishing the information. I am therefore not inclined to grant the relief as prayed by the Appellant. Accordingly the appeal is disposed off.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner