

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No. 216/2022/SCIC**

Shri. Deepak Gracias,  
R/o. Karishma Apartments, 'C' Block,  
Near Cine Vishant, Aquem,  
Margao, Goa 403601.

.....Appellant

V/S

1. The First Appellate Authority,  
Superintendent of Police (South),  
South District Police, Head Quarters,  
M.T.P.S. 1<sup>st</sup> Floor, Margao-Goa 403601.

2. The Public Information Officer,  
Dy. Superintendent of Police, (H.Q.)(South),  
S.D.P.O., M.T.P.S., 1<sup>st</sup> Floor,  
Margao-Goa 403601.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 05/08/2022**

**Decided on: 21/06/2023**

**FACTS IN BRIEF**

1. The Appellant, Shri. Deepak Gracias, r/o. Karishma Apartments, 'C' Block, Near Cine Vishant, Aquem, Margao-Goa vide his application dated 06/06/2022 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 Deputy Superintendent of Police, Head Quarters, Margao-Goa.
2. The said application was responded by the PIO on 23/06/2022 in the following manner:-

*"Refer your application dated 06/06/2022, received by this office on 13/06/2022, regarding information required under Right to Information Act, 2005. As per report furnished by APIO/Establishment Section to SP(South), Margao and APIO/*

*Assistance Account Officer/DDO to SP (South), Margao is as under:-*

<i>Point</i>	<i>Question</i>	<i>Answer</i>
<i>5.</i>	<p><i>Please issue me CLEAR certified copies of SERVICE RECORDS, Dates of Service at Margao Town Police Station at Margao and other Police Stations till dates, COMPLETE IDENTIFICATION AND Belt Number of the following Officer:-</i></p> <ol style="list-style-type: none"> <li><i>1. Kapil B. Nayak – Police Inspector</i></li> <li><i>2. Sachin Nagvenkar- Police Inspector</i></li> <li><i>3. Sagar Dhatkar- Police Sub Inspector</i></li> <li><i>4. Sujay S. Korgaonkar- Police Sub Inspector</i></li> <li><i>5. Navin Dessai- Police Sub Inspector</i></li> <li><i>6. Harish Naik-Police Sub Inspector</i></li> <li><i>7. Paresh G. Ramnathkar- Police Sub Inspector</i></li> <li><i>8. Vibhavari Gaonkar-Lady Police Sub Inspector</i></li> <li><i>9. Ashish B. Porob- Police Sub Inspector</i></li> <li><i>10. Aditya R. Velip- Police Sub Inspector</i></li> <li><i>11. Varshada Naik Dessai- Lady Police Sub Inspector</i></li> </ol>	<p><i>Information sought by the applicant i.e Service Records of Police Personnel relates to personal information of the individual and the disclosure of such information would cause unwarranted invasion of the privacy of the individual hence the said information is rejected under Section 8(1)(j) of RTI Act 2005.</i></p> <p><i>However, as per the records of Estt. Section, SP (South), Margao the request of applicant for the dates of service of Police Personnel mentioned by him is enclosed herewith as Annexure-"A".</i></p> <p><i>As regards the request of the applicant for "Complete Identification and Belt No. of the officers," the request of the applicant is not specific, hence he may be requested to be more specific.</i></p>

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Superintendent of Police (South) at Margao-Goa on 05/07/2022 being the First Appellate Authority (FAA).
4. The FAA vide its order upheld the reply of the PIO and disposed off the first appeal on 26/07/2022.
5. Feeling aggrieved and dissatisfied with the order of the FAA dated 26/07/2022, the Appellant filed this second appeal under Section 19(3) of the Act, before the Commission with the prayer to direct the PIO to furnish the information and also to award compensation for the delay in providing the information.
6. Notices were issued to the parties, pursuant to which the Appellant appeared in person on 26/09/2022, the PIO Shri. Rajendra Prabhudesai appeared and filed his reply on 26/09/2022.
7. It is the case of the Appellant that, by his application dated 06/06/2022, he sought details of service records of 11 Police Officers, their complete identification and Belt number etc related to Margao Town Police Station. However, the PIO refused to furnish the information being personal information under Section 8(1)(j) of the Act, which the Appellant claimed to be erroneous and was refused to be disclosed on wrong footings.

Further according to the Appellant, the order of the FAA is without any judicious reasoning and prayed that the PIO be directed to furnish complete information.

8. On the other hand, the PIO through his reply dated 26/09/2022 contended that legally permissible information has been furnished to the Appellant vide letter No. Dy.Sp/HQ/South/RTI-51/79/2022 dated 23/06/2022 and rest of the information was pertaining to service records of Police personnel, akin to personal information of

the individual and disclosure of such information would cause unwarranted invasion of the privacy of the individual and therefore the said information was rejected under Section 8(1)(j) of the Act.

9. Considering the rival contention of the parties, it is relevant to refer Section 8(1)(j) of the Act which reads as under:-

**"8. Exemption from disclosure of information.**

\_\_\_\_\_ (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,\_\_\_\_

*(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:*

*Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."*

A bare reading of the above provision reveals that, the personal information is exempted from disclosure, however, such information can be disclosed only when it has relationship to any larger public interest and secondly it would not cause unwarranted invasion of the privacy of the individual.

10. Insofar as the information sought for by the Appellant is copy of service records of the 11 Police Officers, the service record is the most vital document of public servant and all data related with service of employee are recorded in service book like his joining, promotion, transfer, Annual Confidential Report, leaves deductions,

family nominations etc; such information is personal in nature and every public servant has right to guard the same.

11. The High Court of Bombay in the case **Mr. Deepak Pandharinath Vaigankar v/s Mr. Suryakant Babu Naik (Supra)**, para No. 13 of the said judgement observed as under:-

*"13. Therefore, on a bare reading of Section 8(1)(j) read with the proviso, it is apparent that there is an exemption from disclosure of information which relates to the public information of an individual, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual. Therefore, in view of this specific bar, any person would not be entitled to seek the personal information about another, which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual. The contention therefore, of the respondent No.1 that if this information can be furnished to the Parliament or the State Legislature, the same is available to him, cannot at all be countenanced by any stretch of the imagination."*

12. The High Court of Delhi in **Union Public Service Commission v/s Mahesh Mangalat (2015 Law Suit (Del) 1372)** in which it is held that:-

*"19. It is a settled law that for seeking personal information regarding any employee of the public authority the applicant must disclose a "sustainable public interest". Even Section 8(1) (j) of the RTI Act was enacted to ensure that all information furnished to public authorities including personal*

*information is not given free access to. As per this Section unless the CPIO or the State PIO or the appellate authority, as the case may be, is satisfied that the larger public interest justifies, the disclosure of any such information that invades the privacy of an individual is not permissible."*

13. Hon'ble High Court of Madhya Pradesh in the case **Shrikant Pandya v/s State of MP (W.P. No. 13646/2009)** has held as under:-

*"16. In the case at hand the certified copy of personal record as well as service book of third party, which was being sought by the petitioner would contain annual confidential reports and other information like details of family and nomination thereof. These information are personal in nature and a Government servant has a right to guard the same. These information have no relationship to any public activity and if parted with will certainly lead to the unwarranted invasion of the privacy of a Government servant."*

Considering the above ratio, the Appellant is not entitled for the said information.

14. A careful perusal of the appeal memo, reveals that it does not contain even a whisper as to how disclosure of the information would serve larger public interest. In the absence of any cogent reason brought on record, to establish necessity of disclosure of information by the Appellant in the 'larger public interest', the Commission is not prompted to violate the right of public officer, which is fundamental right accorded to him.
15. Usually, private information cannot be put in public domain. The Commission also cannot be ignorant to the fact that the

personal information, when allowed to be accessed by third parties has the potential to expose the owner of such information to mischief, harassment, intimidation, defamation and worse. Right to Information cannot be interpreted as to allow poaching the third parties in to personal domain. Therefore, protection of personal information, especially of a third party, is a valuable privilege which should not be lightly done away with or diluted.

16. In the present case, the PIO acted diligently and responded to the RTI application on 23/06/2022, which is within the stipulated time. The PIO also produced on record the copy of Bombay Police Manual 1959 to substantiate that no buckle number is prescribed in dress regulation of the senior level police officers, therefore no such information is available in the records.

17. Considering the facts and circumstances, I find no malafide intention for non-furnishing the information by the PIO, hence I am not inclined to grant any relief to the Appellant, accordingly the matter is disposed off.

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

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner