

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 246/2022/SIC

Shri. Jawaharlal Shetye,
H. No. 35/A, Ward No. 11,
Khorlim, Mapusa-Goa, 403507

-----Appellant

V/s

1. The Public Information Officer (PIO),
Sub-Divisional Police Officer,
Ponda-Goa
2. The First Appellate Authority (FAA),
Superintendent of Police (south),
Margao, Salcete, Goa

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 24/05/2022
PIO replied on	: 16/06/2022
First appeal filed on	: 15/07/2022
First Appellate Authority order passed on	: 22/08/2022
Second appeal received on	: 19/09/2022
Decided on	: 27/02/2023

ORDER

1. The brief facts of this matter are that, the appellant had sought certain information under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') from Respondent No. 1, Public Information Officer (PIO). Being aggrieved by receipt of incomplete information, he filed appeal before Respondent No. 2, First Appellate Authority (FAA). The said appeal was disposed vide order dated 22/08/2022. However, not satisfied with the information provided and FAA's order appellant approached the Commission by way of second appeal.
2. Pursuant to the notice, appellant appeared and prayed for the complete information. Shri. Sajith Pillai, Police Inspector, Ponda Police Station and Shri. Aditya Velip, Assistant Sub Inspector, Ponda Police Station appeared on behalf of the PIO under authority and filed reply dated 11/01/2023.

3. Appellant submitted that, vide application dated 24/05/2022 he had sought information. On seven points. PIO denied him information on point No. 4 by stating that the information is not available, denied information on point nos. 5 and 6 stating the query does not come under section 2(f) of the Act, hence rejected and denied information on point nos. 7 and 8 under section 8(1)(j) stating that the said information is personal. Appellant further stated that he could not attend the hearing before the FAA and the appeal was disposed by FAA mechanically by upholding PIO's stand. That, he prays for complete information and penal action against the PIO.
4. PIO stated that, after compiling the information from the A.P.I.O the same was furnished to the appellant vide letter dated 16/06/2022. Further, the application was transferred to PIO, Office Superintendent, Admn. Branch, DGP's Office, PHQ, Panaji to furnish the remaining information to the appellant. The said PIO vide letter dated 23/08/2022 has furnished the remaining available information. Hence the appellant has been furnished all the available information and therefore, the PIO prays for dismissal of the present appeal.
5. Upon perusal it is seen that, the appellant had sought information on seven points, PIO furnished information on point Nos. 1, 2, 3 and denied information on point Nos. 4 to 8 by stating that information on point No. 4 is not available, information on point Nos. 5 and 6 does not qualify as information and information on point Nos. 7 and 8 is exempted from disclosure under section 8(1)(j) being the personal information.
6. It is seen that later, vide letter dated 23/08/2022, Respondent No. 1, PIO transferred the application to the PIO, Office Superintendent, Admn. Branch, DGP's Office, PHQ, Panaji and the said PIO vide letter dated 23/08/2022 furnished information on point Nos. 3 and 4 to the appellant.
7. These records indicate that the appellant has been furnished information on point Nos. 1 to 4 and his grievance pertains to information not received on point Nos. 5, 6, 7 and 8. Hence the issue before the Commission which needs to be decided is whether information sought on point Nos. 5 and 6 qualify as information

and whether information requested on point Nos. 7 and 8 is eligible for exemption from disclosure under section 8(1)(j).

8. Appellant vide application dated 24/05/2022 had sought information under point Nos. 5 and 6 as under:-

5. Furnish complete and detailed information with regards to the nature of facilities available at Ponda Police Station for the general public, elderly senior citizens and the women community.

6. Whether P. I. Vijay Kumar Chodankar is using the Government vehicle to travel from his residence to Ponda Police Station or he is using his own vehicle.

PIO vide reply dated 16/06/2022 conveyed the appellant as under:-

As per APIO, Police Inspector, Ponda Police Station, the information asked by the applicant does not come under the purview of section 2(f) of RTI Act, hence the information asked by the applicant is rejected u/s 2(f) of the RTI Act.

9. Section 2 (f) of the Act defines information as :-

2. Definitions - In this Act, unless the context otherwise requires,--
(f) "Information" means any material in any form, including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"

Considering the definition of the term information as stated above, the Commission is of the view that information sought under point Nos. 5 and 6 does not qualify as information. It has been held by the different authorities on many occasion in the past that the PIO is required to furnish the information as available and not create or collate any information and not give his opinion on the queries raised by the appellant vide his application. Thus the Commission upholds the stand of the PIO on point Nos. 5 and 6 of the application.

10. Appellant vide application dated 24/05/2022 had sought information under point Nos. 7 and 8 as under:-

7) Kindly inform the vehicle registration number of the vehicles owned by P. I. Vijaykumar Chodankar i.e. two wheeler vehicles and four wheeler vehicles.

8) Furnish the latest Assets and liabilities statement furnished by P. I. Vijaykumar Chodandar to the Government of Goa under his service conduct Rules.

PIO vide reply dated 16/06/2022 conveyed the appellant as under:-

As per APIO, Police Inspector, Ponda Police Station, the disclosure of information would cause unwarranted invasion of the privacy of individuals. Hence information asked by the applicant is rejected u/s 8(1)(j) of RTI Act, 2005.

11. Section 8(1)(j) of the Act states:-

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.

Appellant under point No. 7 of his application had sought information on vehicle registration number of vehicles owned by P. I. Vijaykumar Chodankar, and considering the provision of section 8(1)(j) the Commission is of the view that vehicles owned by Shri. Vijaykumar Chodankar is his personal information which is exempted from disclosure.

However, information sought under point No. 8 pertains to Assets and Liabilities statement of Shri. Vijaykumar Chodankar, PI and Shri. Chodankar being the public servant, mandatorily required to file statement of Assets and Liabilities and the said information has to be part of the records of the public authority. Shri. Vijaykumar Chodankar being the public servant, information pertaining to the statement of his Assets and Liabilities cannot be exempted from disclosure under the Act. Thus, PIO is required to furnish the said information to the appellant.

12. In the background of the above findings, the Commission concludes that stand of the PIO pertaining to point Nos. 5, 6 and 7 of the application needs to be upheld. However, PIO's stand on point No. 8 of the application is not acceptable to the Commission.

13. In the light of the above conclusions, the present appeal is disposed with the following order:-

a) PIO is directed to furnish information on point No. 8, sought by the appellant vide application dated 24/05/2022, within 10 days from the receipt of this order, free of cost.

b) All other prayers are rejected.

Proceeding stands closed.

Pronounced in the open court.

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/-

(Sanjay N. Dhavalikar)
State Information Commissioner
Goa State Information Commission
Panaji - Goa