GOA STATE INFORMATION COMMISSION

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Appeal No.137/2024/SCIC

Adv. Chandru Gurudas Kerkar,
Office No. 753, Sataporio,
Moira, Bardez North-Goa
403507 ------Appellant

V/s.

1.The Public Information Officer,
Dy. Superintendent of Police,
Pernem Police Station,
North Goa 403512.

2.The First Appellate Authority,
S.P (North),
Headquarters North Goa District,
Porvorim Goa 403501 -------Respondents

Shri. ARAVIND KUMAR H. NAIR- State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	- **16-11-2023**
PIO replied on	- **01-12-2023**
First Appeal filed on	- **08-01-2024**
First Appellate order on	- **08-03-2024**
Second appeal received on	- **25-06-2024**
Decision of the Second Appeal on	- **05-03-2025**

Information sought and background of the Appeal.

1. Advocate Chandru G. Kerkar filed an RTI application dated 16/11/2023 to the PIO (Dy. S.P. Pernem) seeking following information :

"*Issue copy of muster roll showing attendance of the Police Mahesh Keshav Kerkar, presently posted at Mopa Police Station on the following dates :*

i. From dated 24/07/2023 to 28/07/2023.
ii. From dated 05/08/2023 to 09/08/2023.
iii. From dated 15/08/2023 to 20/08/2023."

2. In response to the RTI application, PIO vide letter dated 01/12/2023 replied as under to all the 3 points of the RTI application along with the copy of letter dated 01/12/2023 submitted by Shri. Mahesh K. Kerkar, P.C 6720 to the Police Inspector, Mopa Airport Police Station conveying not to provide muster roll showing his attendance at Police Station to the Appellant.

(i)	Point No.1.	As per Mopa Airport Police Station, information sought by the Appellant is rejected u/s 8(1) (j) of RTI Act 2005, being a personal information. Xerox copy of the objection raised by the Police Constable Mahesh Kerkar is enclosed.
(ii)	Point No. 2	
	Point No. 3	

3. There is no record in the present appeal to show that on receipt of the RTI application dated 16/11/2023, PIO, served a written notice to the concerned Third party (Shri. Mahesh K. Kerkar, Police Constable 720 in the matter), u/s. 11 of the RTI Act, 2005 within five days from the receipt of the application, inviting the Third Party to make submission in writing or orally regarding whether the information should be disclosed. The objection letter dated 01/12/2025 submitted by Shri. Mahesh K. Kerkar, Third Party, also doesn't contain any reference of notice served to him by the PIO, u/s 11 of the RTI Act 2005.

4. Aggrieved by the reply of the PIO, Appellant filed first appeal dated 08/01/2024 to the First Appellate Authority (S.P. North Goa) stating that the Respondent PIO is deliberately and wilfully not furnishing the information sought for. According to the Appellant, information sought for is related to attendance of Shri. Mahesh K. Kerkar, Police Constable which doesn't come under the purview of public documents which are maintained by the police station. Appellant in his first appeal prayed for direction to the Respondent PIO to furnish requisite information and initiate necessary action against the Respondent PIO for acting in contravention of the RTI Act, 2005.

5. FAA vide order dated 08/03/2024 dismissed the first appeal stating that "*Since the information asked by the Appellant is personal information of Police*

Constable Mahesh K. Kerkar and the same has been objected by him, the say of PIO is upheld and appeal is dismissed accordingly".

6. Aggrieved by the order dated 08/03/2024 of the FAA dismissing his first appeal dated 08/01/2024, Appellant filed second appeal dated 25/06/2024 before the Commission stating that Respondent No.1 and 2 are deliberately and wilfully not furnishing the information sought and therefore acted in contravention of the RTI Act 2005. Appellant further stated that muster roll of public servant has relationship with public activity, as he/she discharge public duties, therefore the matter is of public interest. Appellant added that he has asked for information about the public duties performed in the public interest by the concerned police personal and not about his personal life. Moreover, Appellant has no personal motto to satisfy by asking for such information.

7. Appellant prayed to allow the appeal,set aside the order passed by the FAA, decision of the Respondent PIO, direct the Respondent No.1 (PIO) to furnish information sought and impose penalty against the PIO, u/s 20 of the RTI Act 2005.

Facts Emerging in course of Hearing

8. Pursuant to the second appeal, parties were notified fixing the matter for hearing on 23/01/2025 for which, Appellant appeared in person and PI Narayan Chimulkar, Police Inspector, Mopa Airport Police Station appeared on behalf of the PIO and submitted reply with additional copy to the Appellant.

9. Matter was taken up for hearing on 17/02/2025 for which Appellant was absent and Respondent PIO (SDPO, Pernem) was represented by Shri. Jayant Gad, Police Constable. Commission directed him to ensure the physical presence of the Respondent PIO for the next hearing slated for 05/03/2025.

10. Inspite of issuing direction, the Respondent PIO was represented by the Police Constable Shri. Jayant Gad for the hearing held on 05/03/2005 and Appellant, appeared in person, submitted that he has sought the information held by the public authority and not sought any kind of personal information of third party. Representative of the Respondent PIO could not make any counter argument or submission in this regard.

DECISION

I. Commission disposed off the present appeal with the direction to the Respondent PIO to furnish the information sought by the Appellant vide RTI application dated 16/11/2023 on the ground that Appellant requested for information (Attendance) held by the Public Authority (Mopa Airport Police Station in the present Appeal) and not any personal information pertaining to the third party. Information should be provided within 15 days from the receipt of this order.

II. While furnishing the information to the Appellant, PIO should ensure that specific information (attendance of Shri. Mahesh Kerkar only) with regards to specific dates (as mentioned in RTI application) only to be provided.

III. Respondent PIO, is hereby directed to file an explanation within 15 days of the receipt of the order as to why a Police Constable was authorised to appear on behalf of the PIO (SDPO, Pernem) despite giving clear direction throughthe said Police Constable on 17/02/2025 to ensure personal appearance of the Respondent PIO for the hearing on 05/03/2025.

- Proceedings closed.
- Pronounced in open Court.
- Notify the parties**.**

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC