GOA STATE INFORMATION COMMISSION
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Appeal No. 74/2025/SIC

Sushant Govind Joshi,
R/o. Flat No. G1, Anand,
Bhavan, Santa Cruz, Ponda-Goa. .....Appellant

V/S

1.The Public Information Officer,
Office of Superintendent,
Police Headquarters, Panaji-Goa.

2. Superintendent of Police (HQ),
First Appellate Authority,
Police Headquarters, Panaji-Goa. .....Respondents

Shri. Atmaram R. Barve State Information Commissioner

Filed on: 17/03/2025
Decided on: 30/06/2025

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application made by the Appellant herein Shri. Sushant Govind Joshi on 17/09/2024 and addressed to the Public Information Officer (PIO), Police Headquarters, Government of Goa.

2. Vide reply dated 15/10/2024, the PIO, Catherina Fernandes provided pointwise reply to the Appellant herein.

3. Aggrieved by the said reply, the Appellant preferred first appeal before the appropriate authority vide appeal memo dated 04/11/2024.

4. Vide order dated 17/12/2024, the First Appellate Authority (FAA) disposed the first appeal without granting any relief to the Appellant.

5. Aggrieved by the said order, the Appellant herein preferred second appeal before this Commission vide appeal memo dated 17/03/2025. Thereafter notices were served, and matter came to be heard from 07/05/2025 onwards.

6. The matter was argued by both the parties based on the reply dated 07/05/2025 filed by the Respondent PIO.

7. Upon perusal of appeal memo as well as reply of the PIO and arguments lead by both the parties, this Commission is of considered opinion as under:-

   a. The provisions of the RTI Act are aimed towards ensuring transparency and any denial or non-disclosure of information on part of the PIO should be supported by reasonable facts as well as corresponding legal provision.

   b. Section 8(1)(j) of the RTI Act cannot be resorted to as a tool for denying information.

   c. In the instant matter, the information at point No. 2 and 4 of his original RTI application cannot be termed as third party information because, the same is aimed at getting access to the information to understand the administrative methodology adopted by the said department, hence cannot be construed as invasion of privacy.

   d. Invoking provision of 8(1)(j) in such a manner would potentially cause gross prejudice to the right of the information seeker and as such the PIO's ought to use this provision in judicious manner.

8. Therefore, in light of the above, the present second appeal is disposed with following orders:-

   a. The present second appeal is allowed.

   b. The PIO, Smt. Catherina Fernandes is hereby directed to provide information pertaining to point No. 2 and 4 of his

RTI application dated 17/09/2024 on 21/07/2025 during office hours by way of issuing certified copies without charging any fees. With regards to point No. 7, the PIO is directed to reaccess the same and in case if the information is not available, a proper justifiable reason may be given in writing and the PIO shall records the minutes of the said proceeding to ensure compliance of this order.

c. Registry to issue show cause notice to the PIO seeking clarification as to why no action should be initiated under Section 20(1) of the RTI Act for non-compliance of this order of the Commission. The PIO shall remain present in person before this Commission alongwith reply to show cause notice and compliance report on **04/08/2025 at 11.00 am;** failing which necessary penal and disciplinary action shall be initiated.

d. The PIO is hereby directed that henceforth while issuing replies or communications under RTI Act, the signature of the PIO should also be accompanied by name of the PIO. In order to enable the information seeker as well the Appellate Authority under RTI Act to determine the relevant PIO from time to time.

- No order as to cost.
- Parties to be provided authenticated copies of this order.
- 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/-

(ATMARAM R. BARVE)

State Information Commissioner