

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: **Shri M. S. Keny, State Chief Information Commissioner**

Appeal No. 158/SCIC/2010

Mr. Nerlon Albuquerque,
R/o H.No. 215-A,
Alto Porvorim,
Bardez –Goa.

...

Appellant

V/s

1) Supdt. of Police (South),
Public Information Officer,
Margao –Goa.

2) Inspector General of Police,
FAA, Panaji –Goa.

...

Respondent.

Appellant present.

Respondent absent.

Adv. K. L. Bhagat for Opponent.

J U D G E M E N T
(19/11/2010)

1. The Appellant, Shri Nerlon Albuquerque, has preferred the present appeal praying that impugned orders dated 27/04/2010 passed by Respondent No.2 in First Appeal No. 27/2010 and the order/letter bearing No. SP/S Goa/Reader/RTI/557/2010 dated 13/02/2010 and 13/02/2010 issued by Respondent No. 1 be quashed and set aside and consequently the Respondent No. 1 be directed to furnish the information/documents sought by the Appellant at Sr.. No. 13 of the Appellant's application dated 26/12/2009 filed before the Respondent.

2. The brief facts leading to the present appeal are as under:-

That the Appellant, vide his application dated 26/12/2009, had applied to the Superintendent of Police (H.Q.) for information under Right to Information act 2005 ('RTI' Act for short). That the information and documents sought by the Appellant in his application dated 26/12/2009 were enlisted from serial No. 1 to 18 of the said application. That on 20/01/2010 the Supdt. of Police (HQ) has been pleased to transfer the application of the Appellant under section 6(3) to the S.P.(N) and S.P.(S) with directions that the information sought by the Appellant at Sr. No. 10 and 13 of his application dated 26/12/2009 be furnished directly to the Appellant. That on 4/01/2010 the S.P(N) vide his letter dated 04/01/2010 has been pleased to furnish the information to the appellant pertaining to the information sought by the Appellant

at point No. 10 of his application. That the S.P. (S), vide his letter dated 13/02/2010 received by the Appellant on 18/03/2010 the S.P.(S) has informed the Appellant that information sought by the Appellant at Sr. No. 13 of his application has been rejected under section 8(1)(j) of the RTI Act. That vide order dated 27/04/2010 the Respondent No. 2 was pleased to inform the Appellant that information sought by the Appellant at Sr. No. 13 related to personal information of third party and that rejection of the PIO S.P.(S) under section 8(i)(j) was upheld. Being aggrieved by the said orders the Appellant has preferred the present appeal on various grounds as set out in the Memo of Appeal.

3. The Respondents resist the appeal. The Respondent No.1 did not file any reply as such. However Adv. K. L. Bhagat filed written arguments and also made oral submissions.

4. Heard the arguments. The appellant argued in person and also filed written arguments. Adv. K. L. Bhagat also filed written arguments.

5. I have carefully gone through the records of the case and also considered the arguments advanced and also perused the written arguments on record. The point that arises for my consideration is whether the relief prayed is to be granted or not?

It is seen that by application dated 26/12/2009 the Appellant sought certain information from Supdt. of Police (HQ). The information consisted of Serial No. 1 to 18. it is seen that by reply dated 22/1/2010 information in respect of point No. 1, 2, 3,4,5 and 11, 13 to 18 was furnished. Information in respect of point No. 6,7,8,9 and 12 information was rejected under section 8(1)(j) of Right to Information Act. Point No. 10 & 13 were transferred to S.P. North and South under section 6(3) of Right to Information Act. it is seen that S.P. North furnished the information in respect of point No. 10.

Point No. 10 is as under:-

10. The nature and details of the penalties/punishments awarded to P.I Assicha @ Ashish Shirodker from the time he has been appointed as P.S.I till date alongwith the dates on which they were awarded.

In respect of point No. 13 S.P. South/PIO rejected the request under section 8(1)(j) of RTI Act as the disclosure of such information has no relationship to any public activity or interest which may cause unwarranted invasion of the privacy of the individual.

It is interesting to note the said point No. 13 which is as under:-

13. The nature and details of the penalties/punishments awarded to P.I. Jivba Dalvi from the time he has been appointed as P.S.I. till date alongwith dates on which they were awarded.

The request of the Appellant was also turned down by the First Appellate Authority.

6. By the present appeal the appellant wants that information in respect of Sr. No. 13 be provided to him. The said information was refused under section 8(1)(j).

Section 8 deals with exemption from disclosure of information sub-section 1 lays down that notwithstanding anything contained in this Act, there shall be no obligation to give any citizen information as laid down in (a) to (j).

Section 8(i)(j) exempts disclosure of 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 CPIO or the SPIO or the Appellate authority, as the case may be is satisfied that the larger public interest justified the disclosure of such information. The proviso lays down that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

There is no dispute about the above proposition of law. However, there are circumstances when it becomes necessary to disclose some of this information if it is in larger public interest. Supposing there is an allegation about the appointment of person to public office where there are certain rules with regards qualification and experience of a person who has already been appointed in competition with others in such cases it may become necessary to make inquiry about the same and these things cannot be kept confidential as such.

7. In the case before me information relating to another officer has been furnished by the PIO/North. It is also contended by the Appellant in his written Argument that such a question figured in the Legislative Assembly of Goa (Written Arguments para 11). It is to be noted here that information which cannot be denied to State Legislature shall not be denied to any citizen.

In view of this the information sought at Sr. No. 13 is to be provided to the Appellant herein.

8. In view of all the above, I pass the following order:-

O R D E R

The Appeal is allowed and the order of FAA and PIO are set aside.

The Respondent No. 1 is hereby directed to furnish the information sought by the Appellant at Sr. No. 13 of the application dated 26/12/2009 within 10 days from the date of receipt of the order.

Pronounced in the Commission on this 19th day of November, 2010.

Sd/-
(M. S. Keny)
Chief Information Commissioner

