

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 164/2008

Shri Kashinath Shetye,  
Bambino Building, Alto Fondvem,  
Ribandar, Tiswadi – Goa.

..... Appellant.

V/s.

1. The Public Information Officer,  
The Superintendent of Police,  
Police Head Quarters,  
Panaji - Goa.
2. The First Appellate Authority,  
The Inspector General of Police, Goa,  
Police Head Quarters, Panaji - Goa.

..... Respondents.

Appellant present in person.

Adv. D. Kinlekar for both the Respondents.

## **J U D G M E N T**

(Per Afonso Araujo)

The order dated 11/09/2008 affirming the denial of the information by the Public Information Officer is challenge in this Second Appeal.

2. The Appellant on 7/7/2008 moved an application seeking information in number of points pertaining to the Police Department, Traffic. Point No. 3 refers to annual property returns all DYSP and above officers of Police Department from 1998 till date certified copy of each year wise. The Superintendent of Police, Traffic by note No. SP/TRF/PAN/494/2008 dated 10/07/2008 made over the information at Sr. No. 3 to the Supdt. of Police (HQ), Panaji with a request to furnish the information directly to the Appellant. The Respondent No. 1 by letter dated 7/8/2008 and replying to the question at Sr. No. 3 rejected under section 8(1)(j) of the Right to Information Act, 2005 (for short the Act), the request of the Appellant on the ground that information relates to personal information and 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 and this reply also stated the Appellant has right to First Appeal within 30 days to the First Appellate

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Authority, IGP, Goa. The Respondent No. 2 by order dated 11/9/2008 upheld the contention of the Respondent No. 1, and refused the request of the Appellant for information at Sr. No. 3. This is the Impugned Order.

3. Shri. Shetye submitted before me that under section 3 of the Act, it is the rule to give the information. Section 8 is the exception and that section 8(1)(j) is not attracted and the Respondent No. 2 is bound to give information and that this Commission has given him the information regarding the annual returns of Chief Secretary and there are no reasons to deny such information at Sr. No. 3 to him. Kum. D. Kinlekar submitted before me that the Respondent No. 1 and Respondent No. 2 were justified in denying the information as it covers under exemption of section 8(1)(j) of the Act.

4. I have gone through the records and proceedings of the case and taken into consideration the submission of both the parties. The only point for determination is whether the Public Information Officer and the First Appellate Authority were justified in denying the information sought.

5. On perusing the request sought by the Appellant on 7/7/2008 except item No. 13, the other items pertain to the information dealing exclusively with traffic matters of Police Department. However, the information sought at Sr. No. 3 in the same letter is in respect of the annual property returns of all DYSP and above officers of Police Department from 1998 till date and certified copy of each year wise. This information is out of the context from the contents of the other information at queries No. 1 to 2 and 4 to 14 which pertain exclusively to the Police Department Incharge of the Traffic. There is no connection of calling annual returns of the entire Police force of the rank of the DYSP and above, with the inquiries of the Traffic Cell. The Appellant should have indicated some connection or purpose of seeking the information of annual returns of all DYSP and officers above them with the information regarding Traffic Cell of the Police.

6. Had the information sought pertained to annual returns of certain Dy.S.P. and some officers higher in rank, connected with the police traffic, the matter would have been different. Once there is no connection with information sought vis-à-vis other requirements pertaining exclusively to the traffic, the denial of information in item No. 3 is justified, though not on the ground mentioned by the Respondent No. 1.

7. It may be pointed out that the Public Information Officer and the First Appellate Authority merely confine to quote the provisions of section 8(1)(j) of the Act and deny the information to the Appellant. It was necessary, specially by the First Appellate Authority to indicate and explain in what manner the provision of section 8(1)(j) were attracted and not merely quote the entire exemption clause mentioned in section 8(1)(j) of the Act.

8. The manner in which the information was sought and since there is no nexus of the information required of the annual returns of all Dy.S.P. and of the officers above them, with the rest of information which refers only to traffic matters, the Appellant is not entitled for the information sought.

9. The Appellant may approach the Respondent No. 1 with a proper, specific and reasonable request in respect of information at serial No. 3 in the letter dated 25/07/2008. The Respondent No. 1 to deal with such request according to law. With these observations, I pass the following order: -

### **ORDER**

The Appeal is dismissed.

Pronounced in the open court on this 28<sup>th</sup> day of April, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



