

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji-Goa

Appeal No: 07 / 2008 _____

Shri Eusebio Braganza,
Hno: 583, Magillvaddo,
Raia, Salcete - Goa.

..... Appellant

V/s

1. The Public Information Officer,
The Vice Principal,
Shree Damodar College of Commerce & Economics,
Comba, Margao - Goa. Respondent No.1..
2. The First Appellate Authority,
The Principal,
Shree Damodar College of Commerce & Economics,
Comba, Margao - Goa. Respondent No.2..

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G.G. Kambli
State Information Commissioner

(Per G.G. Kambli)

Dated: 06/08/2008.

Mr. Caetano Mascarenhas, Ld. Adv. for the Appellant.
Shri P. P. Singh, Ld. Advocate for the Respondents.

ORDER

The short point that arises for our determination is whether the Respondents were justified in rejecting the request of the Appellant dated 27/12/2007 wherein, the Appellant, interalia, requested the Respondent No. 1 to provide the certified/attested copies of the appointment letters /orders of the selected candidates to the various posts that refers to the advertisement appeared in "O Herald" dated 7/07/2006 under section 8(j) of the Right to Information Act 2005 (for short the Act).

2. The Respondent No. 1 rejected the request of the Appellant vide reply dated 14/01/2008 stating that the information sought by the

...2/-

Appellant related to the privacy of the individual. The Respondent No. 2 upheld the decision of the Respondent No. 1 by his order dated 11/03/2008 passed in an Appeal filed by the Appellant herein. Shri Caetano Mascarenhas, Ld. Advocate for the Appellant submitted that the Respondent No. 2 has not properly appreciated the matter and has wrongly held that the information sought by the Appellant is confidential records and related to the privacy of the individual. He also submitted that the Respondents have not specified as to how the appointment orders/letters can be constituted as the confidential and it will affect the privacy of an individual. On the other hand Shri P. P. Singh, Ld. Advocate for the Respondents contended that the Appellant has no locus standi and that he has not given any reasons for seeking such an information. He, further added that the Appellant was not even a candidate for the interview and he is not even concerned with the appointment orders/letters.

3. Section 8(1)(j) of the Act contemplates that the information if relates to personal information the disclosure of which has no relationship to any Public activity or interest or which causes unwarranted invasion of the privacy of the individual shall not be disclosed unless the Public Information Officer or Appellate Authority as the case may be is satisfied that the larger public interest justifies the disclosure of such information. The proviso to the said section contemplates that the information which cannot be denied to the Parliament or State Legislature cannot be denied to any person.

4. The Appellant has sought the certified copies of the appointment orders/letters. We fail to understand as to how the disclosure of the appointment orders has no relationship to any public activity or interest. That apart, the Appellant has sought the certified copies of the

appointment orders which were issued by the public authority and which are the records of the public authority and not the documents submitted by the selected candidates. The Respondents cannot deny the disclosure of appointment order to the Parliament or State Legislature, as they are required to provide this information to the Parliament or State legislature. The information sought by the Appellant will certainly not fall within clause (j) of subsection (1) of section 8 of the Act.

5. The arguments of the Ld. Advocate for the Respondents, Shri P. P. Singh that the Appellant has no locus standi or has not disclose the purpose does not hold good. Sub-section (2) of section 6 of the Act makes it abundantly clear that an applicant making request for information shall not require to give any reasons for requesting the information or any another personal details except those that may be necessary for contacting him. Being so, the person seeking information under the Act is not require to give any reasons or the purpose for which he has sought the information.

6. Therefore we are of the opinion that both the Respondent, were not justified in rejecting the request of the Appellant and hence we hereby quash and sat aside the letter No. G/17/1229/07-08 dated 14/01/2008 of the Respondent No. 1 and the order dated 11/03/2008 of his Respondent No. 2. Accordingly, appeal is allowed and the Respondent No. 1 is directed to provide the information on point No. 2 of the request dated 27/12/2007 to the Appellant within 10 days from the date of this order.

7. Announced in the open court on this 6th day of August 2008.

Sd/-
(G.G. Kamblı)
State Information Commissioner

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

