

Oath Ceremony of Commissioners at Raj Bhavan, Dona Paula, Goa

On 02-03-2021



Shri Vishwas R. Satarkar
Chief Information Commissioner



Shri Sanjay N. Dhavalikar
State Information Commissioner



In the distinguished presence of His Excellency, the Governor of Goa, Shri Bhagat Singh Koshyari and Hon'ble Chief Minister of Goa Dr. Pramod Sawant.

ANNUAL REPORT

FOR THE YEAR 2020 & 2021



GOA STATE INFORMATION COMMISSION

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INDEX

Sr. No.	Particulars	Page Nos.
1	Preface	01
2	Constitution of Commission & Commissioners	042
3	Powers and functions of State Information Commissioners, Office Premises and staff of Goa State Information Commission	04
4	Organizational structure of the Commission	05
5	Number of Second Appeals and Complaints received before the Goa State Information Commission	05
6	The List of cases from 2021 onwards	6
7	Status of RTI Applications and First Appeals in Commission Cases under Sexual Harassment Budget for the Financial Year 2020-2021 Nodal Department	7
8	Observations & Recommendations of the Commission	7
9	Commissions Website	8
10	RTI Booklet	9
11	Functions conducted by Goa State Information Commission RTI Day Training Programme	9-12
12	Statistical Data for the year 2020 and 2021	13-25
13	Important Judgments by Commissioners	26-47

PREFACE



It gives me immense pleasure and pride in presenting the Annual Report pertaining to the calendar year 2020 and 2021 of the Goa State Information Commission. The same is prepared in pursuance to Section 25(1) of Right to Information Act, 2005 and shall be placed before the Goa State Assembly for further necessary action.

The Right to Information Act, 2005 has helped citizens to get valuable information required for taking right decision. The Act also aims at achieving greater transparency in the functioning of the public functionaries. It has helped citizens of the State to take well informed decision, who would have otherwise been deprived of their constitutional rights.

The ultimate aim and intent of the RTI Act is that the public should have access to information under the control of public functionaries, in order to promote transparency and accountability in the working of every public authority and also to curtail corruption, mismanagement etc, if any, and to hold Government and their functionaries accountable to such lapses.

Section 4 of the RTI Act obligates the public authority to use the latest technologies to discharge their transparency commitments. It has now become necessary that top echelons of the public authorities are sensitized about seriously addressing the several aspects of, and discharging their duties under Section 4 of RTI Act, including digitization of data and use of other latest technologies, not only to make transparency the hallmark of their functioning, but also, to create the congenial atmosphere to the public at large, to access the information required or desired through painless and efficient process.

Unless the key requirement of Section 4 are not fully met by Public Authorities suo-moto, the objective of the Act as enshrined in its preamble and in Section 4 itself, cannot be realized in toto.

During the year 2020 and 2021, period covered by this report, several steps for facilitating the information seeker and to the PIO were undertaken, in association with NGOs working in the field of RTI.

The Commissioners were also guests/ key speakers for the functions conducted by GIPARD in the field of RTI and also were resource persons imparting training to the Public Information Officers and First Appellate Authorities.

The Commission has taken maximum care and efforts to make this report useful and informative and has made several observations and recommendations thereon under Section 25 of RTI Act 2005, which are at page 10 and 11 of this Annual Report.

The officers and staff of the Commission have taken active interest in compiling this report and for easy reference, this report is arranged in chapters with related sub heads.

Sd/-

(Shri. Vishwas R. Satarkar)

State Chief Information Commissioner,
Goa State Information Commission,
Panaji Goa.

I. Introduction

The Constitution of India empowers its citizens with certain fundamental rights and make the State responsible for protection of the same. Article 19 (1) gives its citizen freedom of speech and expression which allows citizens to speak or express on the working of the Government. However, citizens will not be truly expressing themselves unless they know what is happening in and around them. Such opinion or expression will be based on half truth or misleading, unless, they have access to all the information that is required to express them or form their opinion.

Right to Information Act, 2005 gives right to citizen of India to know on the administration and obtain information on the subject they require.

II. Constitution of Commission

The RTI Act received the assent of His Excellency, the President of India on 15th June 2005. In order to ensure effective implementation of RTI Act 2005 (hereinafter referred to as "Act" or the "the said Act"), the Government of Goa by Notification No. 10/02/2006/LA dated 02-03-2006 published in the Official Gazette Series I No. 14 of even date constituted the Commission to exercise the powers conferred on, and to perform the function assigned to it under the said Act.

In exercise of powers conferred by Section 27, read with sub section (6) of section 16 of RTI Act, 2005 (Central Act No. 22 of 2005), the Government of Goa also notified Goa State Information Commission (Appeal Procedure) Rules, 2006 by Notification No. DI/INF/RTI Act/2005/4531 and also Goa Right to Information (Regulation of Fees and Cost) Rules, 2006.

III. Commissioners

His Excellency, the Governor of Goa had appointed Shri Prashant S. P. Tendolkar as the State Chief Information Commissioner whose tenure ended on 11-02-2020. The tenure of Shri Juino De Souza, State Information Commissioner ended on 03-07-2020 and that of Smt. Pratima Vernekar, State Information Commissioner on 31-12-2020.

In exercise of the powers conferred under the Act, His Excellency, the Governor of Goa appointed Shri Vishwas R. Satarkar as Goa State Chief Information Commissioner and Shri Sanjay N. Dhavalikar as State Information Commissioner, and the same was notified in the Official Gazette, Government of Goa, Extra-Ordinary, Series II, No. 48 dated 3rd March 2021 and were administered Oath of Office and Secrecy by His Excellency on 2nd March 2021.

The details of the Information Commissioners and the Officials are as follows:

STATE CHIEF INFORMATION COMMISSIONER	STATE INFORMATION COMMISSIONER
<p>Shri Vishwas R. Satarkar (02-03-2021 till date)</p> 	<p>Shri Sanjay N. Dhavalikar (02-03-2021 till date)</p> 

IV. Powers and functions of State Information Commissioners

The RTI Act 2005, through its Section-18, 19 and 20 prescribed the powers and functions of the Commissioners in dealing with complaints, appeals and penalties respectively. The State Information Commissioner functions as statutory body-to hear and adjudicate the appeals and complaints of the citizens and to monitor and ensure the implementation of the Act at various levels in accordance with its provisions.

V. Office premises and Officers

The Commission has no office premises of its own. Presently, it functions from the premises allotted by the State Government. The present official address of Commission is as under:

Goa State Information Commission,
7th Floor, Kamat Towers,
Patto Plaza,
Panaji, Goa. 403001.

The Commission was/is administratively headed for the year 2020 and 2021 by the following officers:

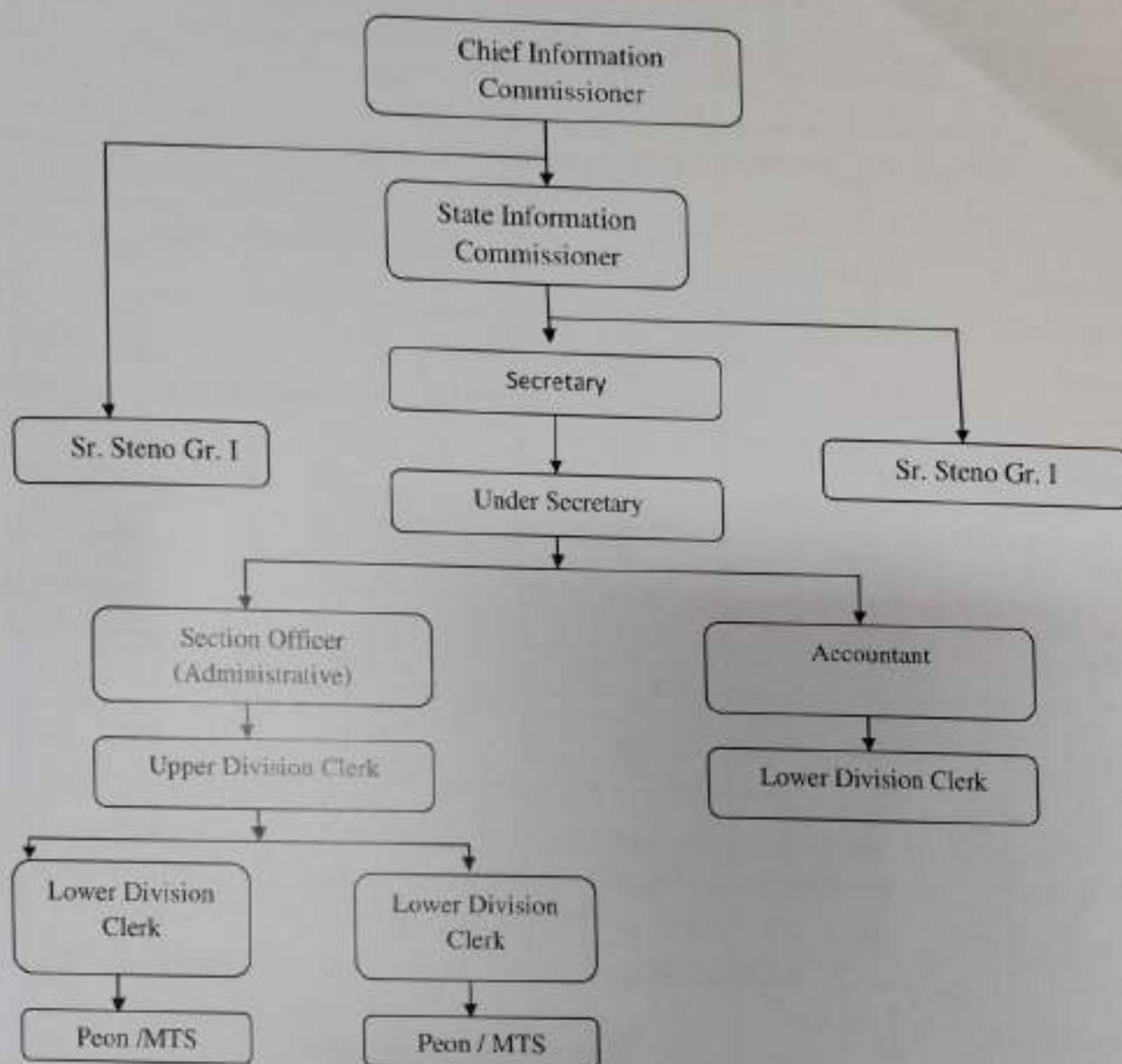
SECRETARY	UNDER SECRETARY CUM REGISTRAR
Smt. Irene V. Sequeira	Shri Ulhas N. Kadam
Shri Vinesh V. Arlenkar	Shri Bala T. Korgaonkar
Shri Mahadev J. Araundekar	Shri Shashank V. Thakur

VI. Staff

The details of number of staff sanctioned for the Commission and the staff actually posted are as follows :

Categories of Posts	Sanctioned strength	No. of Staff actually posted	Number of Posts vacant
Section Officer	01	-	01
Accountant	01	01	-
Stenographer Grade I	03	02	01
Junior Steno	02	-	02
UDC	01	01	-
LDC	03	02	01
Peon	02	-	02
Driver	03	01	02
TOTAL	16	06	10

VII. Organizational Structure of the Commission



VIII. Number of Second Appeals and Complaints received before the GSIC

During the calendar year 2020, the Commission received 224 nos. of Appeals and 16 nos. of Complaints.

In the year 2020, a total of 112 nos. of Appeals, 11 nos. of Complaints, 22 nos. of Penalties were disposed off.

During the calendar year 2021, the Commission received 309 nos. of Appeals and 20 nos. of Complaints.

In the year 2021, a total of 184 nos. of Appeals, 24 nos. of Complaints, 10 nos. of Penalties were disposed off.

The list of cases from 2021 onwards

Month	Opening Balance	Received	Disposed by SCIC & SIC	Pending
January	208	26	0	234
February	234	30	0	264
March	264	32	3	293
April	293	31	17	310
May	310	8	0	318
June	318	31	0	349
July	349	28	29	348
August	348	48	37	359
September	359	28	24	363
October	363	39	38	364
November	364	16	44	336
December	336	19	39	316

IX. Status of RTI Application and First Appeal in Commission

The Goa State Information Commission received a total of 22 RTI applications for the calendar year 2020. The total of 07 nos. of First appeals were filed before the First Appellate Authority of this Commission under Section 19 of RTI Act 2005.

The Goa State Information Commission received a total of 33 RTI applications for the calendar year 2021. The total of 02 nos. of First appeals were filed before First Appellate Authority of this Commission under Section 19 of RTI Act 2005.

X. Cases under Sexual Harassment

No case has been filed in Goa State Information Commission under the Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressal) Act, 2013.

XI. Budget for Financial Year 2020-2021

(Rs. In Lakhs)				
Funds Allotted	Office Expenditure	Other Expenditure	Salaries	Total Expenditure for the financial year 2020-2021
206.00	8.85	37.25	178.8	224.9

XII. Nodal Department

The Department of Information & Publicity, Government of Goa is the administrative Department for Goa State Information Commission. All administrative and financial matters are taken up and routed through this nodal Department.

XII. Observation & Recommendations of the Commission

In the course of hearing of the cases and during the day to day functioning of the Commission, lapses in several practices and procedures were noticed. Hence, the observations of the Commission and the recommendations are given herein under as required u/s 25 of the RTI Act.

a. Mode of service of Notices, Orders etc.

Rule 6 of the Goa State Information Commission (Appeal Procedure) Rules, 2006 specifies the mode of service of notice. The said rules were drafted soon after the formation of the Commission in 2006. The present trend is to have paperless mode of transmission. People are now using internet and other facilities like SMS, WhatsApp, Twitter, Instagram etc to transmit and receive the messages. Hence, now all correspondence can be made through electronic media or other equivalent facilities. Hence, there is a need to amend Rule 6 of Goa State Information Commission (Appeal Procedure) Rules, 2006 appropriately.

b. Regarding Authorities:

It has been observed by this Commission that there is a trend of PIOs reporting loss of records of information sought, as either missing or lost and the same is on rise. It is also observed

that the records are not maintained and preserved properly and appropriately by the Public Authorities for minimum stipulated years, as prescribed by the relevant Act governing their functioning. Digitization of records is also not undertaken. A comprehensive Management Information System should be developed by each Public Authority for storage and retrieval of data. The computerization of records and use of IT resources to ensure transparency in functioning of different Departments, should be accorded high priority and there should be adequate budgetary provision for undertaking this work.

c. Compliance of Section 4

It is also observed that most of the Public Authorities are not strictly complying the provision of Section 4(1)(b) of the Act by providing active disclosure of the activity undertaken by them. If more and more Suo-moto disclosures are made by Public Authorities, undoubtedly there would be less and less people who would resort to remedy provided by the Act for seeking desired information. Therefore, the Commission recommends that the Chief Secretary of the State should direct all Public Authorities of the State to comply with the provision of 4(1)(b) of the RTI Act more diligently.

d. RTI Cell

The officers have been assigned the duty of the PIOs in addition to their other regular assignments. It is noticed that in such cases, the concerned officers are not able to do justice neither to their regular assignments nor to their function as PIOs. They are under constant fear of facing penalty proceedings during hearing which may affect their prospects for promotion or in curtailment in payment of their regular remuneration. Therefore, Commission recommends that the RTI Cell be formed in each Public Authority/ Department.

XIV. Commission's Website

The revamping of this Commission's website www.psic.goa.gov.in was done in the year 2021. The website is updated with all the judgements of the Commission, including the latest orders.



The revamped website was launched at the hands of Shri. Vishwas R. Satarkar, Hon'ble State Chief Information Commissioner in the presence of Shri. Sanjay N. Dhavalikar, Hon'ble State Information Commissioner, Shri. Vinesh Arlenkar, Secretary and Shri. Shashank V. Thakur, Under Secretary-cum- Registrar of Goa State Information Commission.

XV. RTI Booklet

Also, the new RTI Booklet was printed with the latest amendments. The booklet contains Right to Information Act sectionwise, the first schedule, the second schedule, Government of Goa Notifications and also the Government of India Notifications.

XVI. FUNCTIONS CONDUCTED BY GOA STATE INFORMATION COMMISSION

a) RTI DAY

A conference on "Dissemination of Information under Section 4 of the Right to Information Act, 2005" in commemoration of the RTI Day was held on 12th October 2021 at Fern Kadamba Hotel & Spa which was attended by Heads of Government Departments. The total of 37 participants were present for the programme. The programme was held in 3 sessions.

Session 1

Inauguration and keynote address by **Hon'ble Lokayukta Justice (Retd.) Ambadas Joshi** on the theme 'Dissemination of Information under Section 4' in the distinguished presence of **Adv. Vishwas R. Satarkar**, State Chief Information Commissioner, **Shri. Sanjay N. Dhavalikar**, State Information Commissioner and **Shri. Ravi Dhavan, IAS**, Secretary- Information & Publicity.

Session 2

Shri. Vadali Rambabu, Joint. Director, ISTM, New Delhi covered the important aspects of Section 4 during the second session. **Shri Rambabu** also shared some of the best practices on Section 4 across the country.

Session 3

The Moderator for the Programme was **Shri. Kishor Naik Gaonkar**, Chief Editor, Goan Varta Live alongwith the panelist namely:-

- i. **Padmashree (Adv.) Norma Alvares**, Practicing Lawyer (Supreme Court),
- ii. **Shri D. A. Hawaldar, IAS (Retd.)**, Member, Goa Staff Selection Commission.
- iii. **Shri Prakash Kamat**, Member, Goa State Advisory Board on Disability & Retd. Senior Assistant Editor of 'The Hindu'.

The Panel discussion helped to throw insights on the role of the Departments as well as the civil society in facilitating the implementation of the RTI Act, 2005. The role of the Departments in adhering to Section 4 of the Act was also discussed by the panelists.



Inauguration of RTI Day by Hon'ble Lokayukta Justice (Retd.) Ambadas Joshi.



Panel discussion by Padmashree (Adv.) Norma Alvares, Shri. D. A. Hawaldar, (Retd.) IAS, Shri. Prakash Kamat, Retd. Senior Assistant Editor of 'The Hindu'.

b) Training Programme on RTI Act, 2005

The Commission has undertaken training programme on RTI Act, 2005 for PIOs and FAAs for three days (18-11-2021, 19-11-2021 and 20-11-2021) at Goa Institute of Public Administration & Rural Development, Ella Farm, Old Goa. Shri B. Yognath Singh, Master Trainer DoPT, GoI, New Delhi and Shri Vivek Velankar, Resource Person at YASHADA, Pune addressed the training programme.

DAY 1 – 18-11-2021

Training Programme on Right to Information Act, 2005 for PIOs of Directorate of Panchayats-Bardez, Tiswadi, Salcete and Mormugao Taluka was held. The total of 62 participants were present for the programme. The topics covered were key definitions and important sections of the Act, Role of the PIOs/APIOs, processing of RTI applications and writing speaking orders and exemptions from disclosure of information.

DAY 2 – 19-11-2021

Training Programme on Right to Information Act, 2005 for FAAs of Directorate of Panchayats, Directorate of Municipal Administration and Directorate of Higher Education was held. A total of 60 participants were present for the programme. The topic covered were key definitions and important Sections of the Act, Role of the FAA, writing speaking orders, exemptions from disclosure of information and third party and personal information.

DAY 3 – 20-11-2021

Training Programme on Right to Information Act, 2005 for PIOs of Directorate of Higher Education was held. A total of 32 participants were present for the programme. The topic covered were key definitions and important sections of the Act, Role of the PIOs/APIOs, exemptions from disclosure of information, role of FAA and writing speaking orders.



Training Programme on Right to Information Act, 2005 for First Appellate Authorities



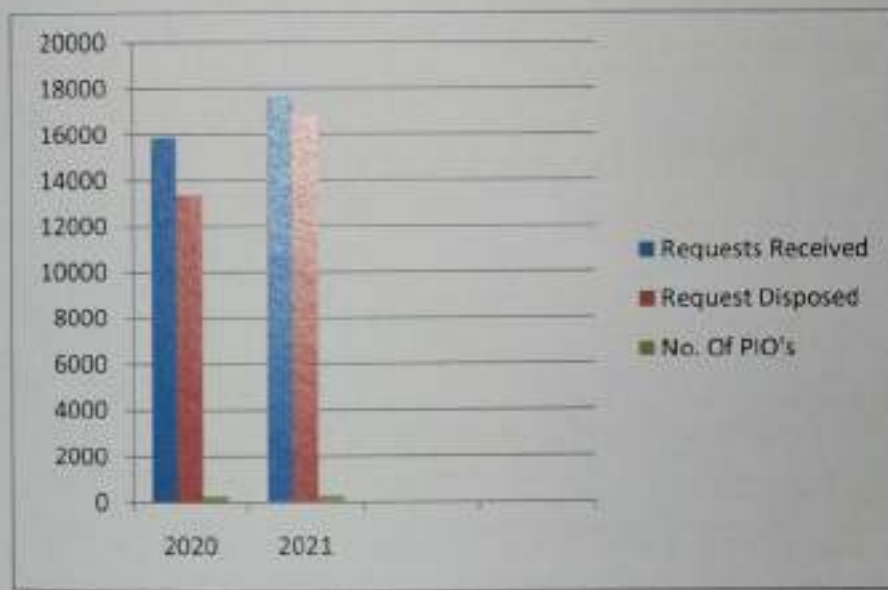
Training Programme on Right to Information Act, 2005 for Public Information Officers of Directorate of Higher Education

XVII. STATISTICAL DATA

The Annual Report focuses essentially on status of implementation of the Act by Public Authorities in accordance with u/s 25(2) of the Act.

The data received from Public Authorities regarding RTI applications for 2020 and 2021 have been compiled by this Commission to be reported in the Annual Report of 2020 & 2021 of the Goa State Information Commission.

Sr. No	Particulars	2020	2021
1.	No. of Annual Reports submitted	88	94
2.	How many requests have been Received	15872	17658
3.	How many requests have been Disposed	13329	16794
4.	Total No. of P.I.O.s	277	284



a) TABLE SHOWING DETAILS OF APPLICATIONS RECEIVED

The following tables give the breakup of application received by various public authorities in the State during the reporting year.

Sr. No.	Particulars	2020	2021
1.	No. of Public Authorities which received more than 1000 RTI Applications	4	5
2.	No. of Public Authorities which received more than 500-1000 RTI Applications	1	2
3.	No. of Public Authorities which received more than 100-500 RTI Applications	12	10
4.	No. of Public Authorities which received more than 50-100 RTI Applications	8	08
5.	No. of Public Authorities which received more than 25-50 RTI Applications	9	15
6.	No. of Public Authorities which received less than 25 RTI Applications	54	55

Highest No. of RTI Applications received in the year 2020		
Sr. No.	Particulars	No of Applications
1	Department of Urban Development	3980
2	Office of the Director General of Police	3872
3	Office of the Principal Chief Engineer, Public Works Department	1529
4	Office of the Chief Electrical Engineer, Electricity Department	1299
5	Directorate of Settlement and Land Records	962
6	Department of Co-Operation	481
7	Department of Transport	473
8	Directorate of Agriculture	240
9	Directorate of Mines & Geology	216
10	Goa State Pollution Control Board	211
11	Directorate of Vigilance	194
12	Directorate of Health Services	163
13	Commercial Tax Department	132
14	Directorate of Food and Drugs Administration	123
15	Directorate of Fire & Emergency Services	109
	Total	13,984

Highest No. of RTI Application received in the year 2021

Sr. No.	Name of Department	No of Applications
1	Director General of Police Head Quarters Panaji	4511
2	Office of District Collector South Goa District	4234
3	Public Works Department	1597
4	Department of Urban Development Municipal Administration	1540
5	Directorate of Settlement & Land Records	1078
6	Principal Chief Conservator of Forests	688
7	Directorate of Transport	513
8	Commissioner of Excise	327
9	Directorate of Vigilance	236
10	Director of Education Porvorim	214
11	Directorate of Agriculture	200
12	Directorate of Mines & Geology Panaji	181
	Total	15,319

b) TABLE SHOWING AUTHORITIES WHICH RECEIVED MAXIMUM REQUESTS IN THE YEAR 2020

Sr. No.	Name of Department	No. of Department	No. of Requests
1	No. of Public Authorities which received more than 1000 RTI Applications		
A	Department of Urban Development	4	3980
B	Office of the Director General of Police		3872
C	Office of the Principal Chief Engineer, Public Works Department		1529
D	Office of the Chief Electrical Engineer, Electricity Department		1299
2	No. of Public Authorities which received more than 500-1000 RTI Applications		
A	Directorate of Settlement and Land Records	1	962
3	No. of Public Authorities which received more than 100-500 RTI Applications		
A.	Department of Co-Operation	12	481
B.	Department of Transport		473
C.	Office of Commissioner of Excise		288
D.	Directorate of Agriculture		240

E.	Directorate of Mines & Geology		216
F.	Goa State Pollution Control Board		211
G.	Directorate of Vigilance		194
H.	Directorate of Health Services		163
I.	Office of Deputy Director of Panchayat, South Goa		162
J.	Commercial Tax Department		132
K.	Directorate of Food and Drugs Administration		123
L.	Directorate of Fire & Emergency Services		109
4	No.of Public Authorities which received more than 50-100 RTI Applications		
A.	Captain of Ports		96
B.	Directorate of Accounts, North Goa		90
C.	Directorate of Sports and Youth Affairs		75
D.	Goa Public Service Commission	8	73
E.	Goa State Infrastructure Development Corporation		69
F.	Directorate of Fisheries		65
G.	Sports Authority of Goa		61
H.	Directorate of Animal Husbandry		52
5	No.of Public Authorities which received more than 25-50 RTI Applications		
A.	River Navigation Department		50
B.	Directorate of Women and Child Development		50
C.	Directorate of Tribal Welfare		47
D.	Directorate of Archives and Archaeology	9	46
E.	Goa Tourism Development Corporation Limited		39
F.	Goa Handicrafts, Rural and Small Scale Industries Development Corporation Limited.		36
G.	Directorate of Arts and Culture		33
H.	Department of Environment and Climate Change		32
I.	Directorate of Higher Education		28
6	No. of Public Authorities which received less than 25 RTI Applications	54	524

c) TABLE SHOWING AUTHORITIES WHICH RECEIVED MAXIMUM REQUESTS IN THE YEAR 2021

Sr. No.	Name of Department	No. of Department	No. of Requests
1	No. of Public Authorities which received more than 1000 RTI Applications		
A	Director General of Police Head Quarters Panaji	5	4511
B	Office of District Collector South Goa District		4234
C	Public Works Department		1597
D	Department of Urban Development Municipal Administration		1540
E	Directorate of Settlement & Land Records		1078
2	No. of Public Authorities which received more than 500-1000 RTI Applications		
A	Principal Chief Conservator of Forests	2	688
B	Directorate of Transport, Panaji Goa		513
3	No. of Public Authorities which received more than 100-500 RTI Applications		
A	Commissioner of Excise	10	327
B	Directorate of Vigilance		236
C	Directorate of Education		214
D	Directorate of Agriculture		200
E	Directorate of Mines and Geology		181
F	Goa State Pollution Control Board		173
G	Directorate of Foods and Drugs		165
H	Directorate of Health Services		158
I	Department of Tourism		148
J	The Commissioner of Commercial Taxes		111
5	No. of Public Authorities which received more than 50-100 RTI Applications		
A	Directorate of Accounts, North Goa	08	91
B	Director of Women and Child Development		71
C	Directorate of Archives and Archaeology		67
D	Directorate of Fire and Emergency Services		63
E	Directorate of Fisheries		61
F	The Sports Authority of Goa		57

G	Goa State Infrastructure Development Corporation Limited		54
H	Dept of Civil Supplies and Consumer Affairs		50
5	No. of Public Authorities which received more than 25-50 RTI Applications		
A	Directorate of Higher Education		49
B	Directorate of Tribal Welfare Panaji		49
C	Directorate of Art & Culture		49
D	Directorate of Fisheries		46
E	Directorate of Animal Husbandary		45
F	Captain of Ports Department Panaji-Goa		43
G	Executive Engineer WD, XXIV, PHE, Public Works Department, Bicholim Goa	15	43
H	General Administration Department, Secretariat		37
I	District & Sessions Court, Altinho, Panaji-Goa.		36
J	Director of Information & Publicity		31
K	Goa Legislature Secretariat		31
L	Goa Medical College Bambolim		28
M	Directorate of Prosecution, Panaji		27
N	Narayan Zantye College of Commerce Bicholim		26
O	District Rural Development Agency North, Patto, Panaji-Goa		25
6	No. of Public Authorities which received less than 25 RTI Applications	55	

d) AUHORITIES HAVING SINGLE PIO

The table of office having single PIO (Compiled as per report received from Public Authority during the reporting year 2020)			
Sr. No.	Name of the Department	No. of requests received by PIO	No. of cases disposed
1	Goa State Pollution Control Board	211	200
2	Directorate of Health Services	163	163
3	Office of Deputy Director of Panchayats South Goa	162	162
4	Directorate of Food and Drugs Administration	123	117
5	Captain of Ports	96	89
6	Directorate of Sports and Youth Affairs	75	75
7	Goa Public Service Commission	73	72

8	Goa State Infrastructure Development Corporation	69	64
9	Sports Authority of Goa	61	60
10	Directorate of Animal Husbandry	52	51
11	River Navigation Department	50	50
12	Directorate of Tribal Welfare	47	47
13	Directorate of Archives and Archaeology	46	44
14	Goa Tourism Development Corporation Limited	39	8
15	Goa Handicrafts, Rural and Small Scale Industries Development Corporation Ltd	36	36
16	Department of Environment and Climate Change	32	32
17	Directorate of Technical Education	24	24
18	Inspectorate of Factories and Boilers	24	24
19	Department of Printing and Stationery	18	18
20	Goa Board of Secondary and Higher Secondary Education	17	16
21	District & Sessions Court, North Goa	17	6
22	Goa Dental College and Hospital	17	17
23	Narayan Zantye College of Commerce	16	16
24	Goa College of Engineering	16	16
25	Goa State Election Commission	16	16
26	Goa Institute of Public Administration & Rural Development	15	15
27	Directorate of Planning, Statistics & Evaluation	12	11
28	Goa Forest Development Corporation Ltd.	12	12
29	Department of Legal Metrology	12	10
30	Directorate of Prosecution	12	4
31	Goa Commission for Scheduled Castes / Scheduled Tribes	10	10
32	Institute of Nursing	8	8
33	Don Bosco College of Agriculture	8	8
34	St. Xavier's College	8	7
35	Directorate of Official Language	8	8
36	Goa College of Music	8	8
37	Parvatibai Chowgule College of Arts & Science- Autonomous	7	7
38	DCT's S.S. Dempo College of Commerce & Economics	7	7
39	Goa College of Home Science	7	7
40	Dnyanprassarak Mandal's College and Research Centre, Assagao	7	7
41	Fr. Agnel College of Arts & Commerce	7	6

42	Goa State Scheduled Tribes, Finance and Development Corporation Limited.	7	7
43	Government College of Arts Science and Commerce, Sanquelim	7	7
44	Government College, Khandola	6	6
45	Nirmala Institute of Education	6	6
46	Directorate of Accounts, South Branch	6	6
47	Administrative Tribunal of Goa	6	6
48	Principal District & Sessions Judge, South Goa, Margao	5	4
49	Shree Damodar College of Commerce & Economics	5	5
50	College of Arts & Commerce, Zuarinagar	5	5
51	Dhempe College of Arts & Science	5	5
52	GVM's G.G.Poy Raiturcar College of Commerce and Economics	5	5
53	Vidya Probodhini College of Commerce Education, Computer and Management	5	5
54	Department of Sainik Welfare	4	1
55	Department of Industries , Goa Khadi and Village Industries	4	4
56	Goa Rehabilitation Board	4	4
57	Goa State AIDS Control Society	4	4
58	Government College of Arts Science and Commerce, Quepem	3	3
59	Directorate of Museums	3	3
60	Goa State Social Welfare Board	2	2
61	Government Polytechnic, Curchorem	2	2
62	Government Polytechnic, Mayem, Bicholim	2	2
63	Goa Energy Development Agency	1	1
64	Carmel College of Arts, Science and Commerce for Women	0	0
Total Requests Received and Disposed		1751	1657

The table of office having single PIO
(Compiled as per report received from Public Authority during the reporting year 2021)

Sr. No.	Name of the Department	No. of requests received by PIO	No. of cases disposed
1	Goa State Pollution Control Board Panaji	173	171
2	Directorate of Health Service Panaji	158	158
3	Directorate of Accounts Panaji	91	84
4	Directorate of Archives & Archaeology	67	66

5	The Sports Authority of Goa Bambolim	57	53
6	Goa State Infrastructure Development Corporation Limited	54	51
7	Dept of Civil Supplies & Consumer Affairs	50	2
8	Directorate of Tribal Welfare Panaji	49	49
9	Directorate of Animal Husbandry	45	45
10	Captain of Ports Department Panaji Goa	43	37
11	Executive Engineer WDXIV, PHE Public Works Department Bicholim	43	43
12	District & Sessions Court Altinho Panaji-Goa.	36	6
13	Director of Information & Publicity	31	23
14	Goa Legislature	31	28
15	Goa Medical College Bambolim	28	28
16	Directorate of Prosecution Panaji	27	15
17	Narayan Zantye College of Commerce Bicholim	26	20
18	Department of Information & Technology	24	23
19	Dept of Finance Revenue & Control	24	24
20	River Navigation Department Betim Goa	23	23
21	Inspectorate of Factories & Boilers Panaji	23	23
22	Directorate of Technical Education Porvorim	22	22
23	Government Polytechnic Altinho Panaji-Goa	21	17
24	Parvatibai Chowgule College of Arts and Science Autonomous Margao	19	19
25	Directorate of Planning & Statistics & Evaluation	17	17
26	St Xaviers College Mapusa	15	14
27	Goa College of Engineering	15	15
28	Goa Dental College & Hospital Bamolim	14	14
29	Department of Legal Metrology	14	8
30	Goa Forests Development Corporation Ltd Panaji-Goa	13	13
31	Directorate of Small Saving & Lotteries	12	0
32	Electricity Departments Div VIII, Aquem Margao	12	
33	District & Sessions Court, South Margao	11	10
34	Dnyanprassarak Mandal College, Assgao	11	11
35	Dhempe College of Arts & Science, Miramar	11	11
36	District Rural Development Agency, South	10	10
37	Goa Handicrafts Rural and Small Scale Industries Corporation Limited	10	10
38	Department of Printing & Stationary Panaji	9	9
39	S.S. Dempo College of Commerce & Economics Bambolim Goa	8	8

40	Directorate of Accounts South Goa	8	7
41	Goa Investment Promotion and Facilitation Board Panaji	8	8
42	Law Department, Porvorim Goa	8	8
43	Dr. Fr. Agnel College of Arts & Commerce Pilar Goa	7	7
44	Shree Damodar College of Commerce & Economics Margao	7	7
45	Government College of Commerce and Economic Borda Margao	6	6
46	Shiroda Caculo College of Commerce & Management Studies Mapusa	6	6
47	Sant Sohirobanath Ambiyé Govt College Arts & Commerce	6	6
48	Directorate of Official Language	6	6
49	Nimlala Institute of Education Altinho Panaji-Goa	5	5
50	College of Arts & Commerce Vasco	5	5
51	Vidya Prabodhini College of Commerce Education Computer and Management	5	5
52	Goa College of Pharmacy	5	5
53	Institute of Nursing Education Directorate of Health Service Bambolim	4	4
54	Goa Institute of Public Administration & Rural Development Old Goa	4	4
55	Goa State Scheduled Tribes Finance and Dev Corporation Ltd	4	4
56	Don Bosco College of Agriculture Quepem	4	4
57	Department of Science and Technology and Waste Management	4	4
58	Administrative Reforms Department	4	4
59	Goa Energy Development Agency Patto Panaji	3	3
60	Department of Sainik Welfare Panaji-Goa	3	3
61	Goa Rehabilitation Board	2	2
62	Government Polytechnic Curchorem	1	1
63	Directorate of Museums	1	1
64	Department of Industries Panaji	1	1
65	Goa Konkani Akademi	1	1
66	Goa State Social Welfare Board, Panaji Goa	1	1
67	Goa Marathi Academy	0	0
	Total Request Received and Disposed	1466	1298

e) TABLE SHOWING AUTHORITIES WITH MORE PIOs.

Showing sub-set of Department having more No. of PIOs- 2020			
Sr. No.	Name of the Public Authority	No. of requests received by PIO	No. of cases disposal
1	2	3	4
1	Department of Urban Development – Total 12 PIO's	3980	1927
2	Office of the Director General of Police – Total 20 PIO's	3872	3785
3	Office of the Principal Chief Engineer, Public Works Department –Total 43 PIO's	1529	1386
4	Office of the Chief Electrical Engineer, Electricity Department – Total 21 PIO's	1299	1274
5	Directorate of Settlement and Land Records –Total 10 PIO's	962	962
6	Department of Co-operation –Total 14 PIO's	481	463
7	Department of Transport –Total 19 PIO's	473	462
8	Office of Commissioner of Excise–Total 12 PIO's	288	282
9	Directorate of Agriculture –Total 13 PIO's	240	240
10	Directorate of Mines & Geology –Total 6 PIO's	216	197
11	Directorate of Vigilance –Total 3 PIO's	194	163
12	Commercial Tax Department –Total 9 PIO's	132	113
13	Directorate of Fire & Emergency Services –Total 4 PIO's	109	107
14	Directorate of Accounts, North Goa –Total 2 PIO's	90	88
15	Directorate of Fisheries –Total 2 PIO's	65	63
16	Directorate of Women and Child Development –Total 4 PIO's	50	50
17	Directorate of Arts and Culture –Total 3 PIO's	33	7
18	Directorate of Higher Education –Total 3 PIO's	28	28
19	District Rural Development Agency, North Goa –Total 2 PIO's	21	21
20	Directorate of Industries Trade and Commerce –Total 2 PIO's	17	17
21	Government Polytechnic, Panaji Total 2 PIO's	16	11
22	Govind Ramnath Kare Collge of Law –Total 2 PIO's	13	13
23	Goa College of Pharmacy - Total 2 PIO's	7	7
24	S.V's Sridora Caculo College of Commerce & Management Studies – Total 2 PIO's	6	6
Total Requests Received and Disposed		14121	11672

Showing sub-set of Department having more No. of PIOs-2021			
Sr. No.	Name of the Public Authority	No. of requests received by PIO	No. of cases disposal
1	2	3	4
1	Director General of Police-26 PIO's	4511	4367
2	Office of District Collector South Goa District- 24 PIO's	4234	4088
3	Public Works Department- 40 PIO'S	1597	1370
4	Department of Urban Development Municipal Administration	1540	1782
5	Directorate of Settlement & Land Records - 10 PIO,s	1078	1078
6	Commissioner of Excise -12 PIO,s	327	316
7	Directorate of Vigilance-3 PIO's	236	199
8	Director of Education, Porvorim - 14 PIO's	214	195
9	Directorate of Agriculture - 12 PIO's	200	200
10	Directorate of Mines & Geology- 6 PIO's	181	174
11	Directorate of Food and Drugs, Bambolim -2 PIO's	165	147
12	Department of Tourism-2 PIO's	148	144
13	Principal Chief Conservator of Forests -9 PIO's	688	546
14	Directorate of Transport Panaji -14 PIO's	513	464
15	O/o The Commissioner of Commercial Taxes Altinho Panaji-Goa-9 PIO:s	111	84
16	Director of Women & Child Development - 4 PIO'S	71	57
17	Directorate of Fire & Emergency Services Panaji- 4 PIO,s	63	61
18	Directorate of Fisheries- 2 PIO's	61	61
19	Directorate of Higher Education- 4 PIO's	49	43
20	Directorate of Art & Culture-2 PIO,s	49	14
21	Directorate of Fisheries 2 PIO,s	46	15
22	General Administration Dept -4 PIO's	37	37
23	District Rural Development Agency, Patto Panaji-Goa -2 PIO's	25	25
24	Directorate of Industries, Trade and Commerce-3 PIO's	21	21
25	Executive Engineer Div II, Electricity Dept Aquem Margao - 3 PIO's	18	18
26	Government College of Arts & Science Commerce, Sanquelim- 2 PIO's	6	6
27	Finance Expenditure Dept 2 PIO's	3	2
Total Requests Received and Disposed		16,192	15,496

No. of First Appeal filed for the year 2020	No. of appeal allowed by FAA	No. of FAA order complied with	No. of first appeal disposed off	No. of first appeal where no decision is taken (pending)
445	397	349	406	31

No. of penalty order received from Goa State Information commission	No. of penalty order where penalty is charged	No. of penalty order received from Goa State Information Commission where penalty is recovered from PIO.
0	0	0

XIX. IMPORTANT JUDGEMENT BY COMMISSIONERS

Appeal No.15/2021/SCIC

Shri. Kunal Komarpant,
R/o H.No. 1066, Kindlem,
Chaudi, Canacona-Goa.
403002.

..... Appellant

V/S

1. The Public Information Officer,
Sub Divisional Police Officer,
Quepem-Goa.

2. The First Appellate Authority,
Superintendent of Police (South),
Margao-Goa.

..... Respondents

Shri Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 22-01-2021

Decided on: 25-10-2021

FACTS IN BRIEF

1. In the present case, the Appellant, Shri. Kunal Dilip Komarpant a practising Advocate, r/o Chaudi, Canacona, Goa has filed an application dated 13/10/2020 under sec 6(1) of Right to Information Act, 2005 (hereinafter to be referred as 'Act') by which he sought the following information from Public Information Officer (PIO) of office of Sub-Divisional Police Officer at Quepem Goa:

"Kindly furnish me copy of CCTV footage of Pollem Check Post of date from 11-10-2020 at 00:00 am to 12-10-2020 till 11:00 pm".
2. Said application was responded by the PIO on 19-10-2020 in the following manner:

"As per the information furnished by APIO/PI Canacona PS, the information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic scientific or economic interest of the state, hence denied u/s 8(1)(a) of RTI-Act, 2005."
3. Aggrieved with the said reply, Appellant preferred first appeal on 24/11/2020 before the Superintendent of Police, South Goa at Margao Goa being the First Appellate Authority (FAA).
4. The FAA by its order dated 28-12-2020 upheld the reply of the PIO, thereby dismissed the first appeal.

Not satisfied with the order of FAA, the Appellant has landed before this Commission in the second appeal under sec 19(3) of the Act, with the prayer that, direction be issued to PIO to furnish the information free of cost and to compensate the Appellant for loss and detriment suffered to him.

5. Notice was issued, pursuant to which the PIO appeared and filed his reply on 12-04-2021, representative of FAA appeared on 20-08-2021 and placed the reply of FAA on record.
6. I have perused the pleadings, scrutinized the records and considered the arguments of Appellant through his learned counsel Adv. D.R. Vernekar.
7. According to Adv. D. Vernekar, Appellant sought the CCTV footage for the purpose of elucidating a fact regarding his one case. The information was sought as his client was forcibly abducted in their own car by some people from Karnataka and were taken from Goa and filed a false case on his client and that he wanted to produce the said CCTV footage in the criminal case pending in Karnataka court.

Further according to him that section 8 (1) (a) of the Act cannot be invoked since said information does not in any way affect the sovereignty, integrity of India, the security, strategic scientific or economic interest of the state, and to support his case, he relied upon copy of preamble to the constitution of India and one order of CIC in Jaspri Singh v/s Central Public Information dated 02-05-2017

He further contended that under sec 19(5) of the Act, the onus to prove that a denial of request lies on PIO and in the instant case, PIO has miserably failed to show any cogent reason to deny the information. The order passed by FAA is without any reasoning and findings and his request is denied solely with malafied intention.

8. On the other side, PIO through his reply submitted that CCTV footage of camera installed at Border Check Post at Pollem has been denied under section 8(1)(a) of RTI Act.

According to PIO information sought by the Appellant is from 11-10-2020 at 00:00 am to 12-10-2020 till 11.00 pm and Appellant has not demonstrated larger public interest warranting the disclosure of CCTV footage.

9. Sec 8(1)(a) of the Act reads as under:

"8. Exemption from disclosure of information.

- 1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,____
 - a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;"

From the reading of above provision, it is clear that, even though the Right of the citizen is statutorily recognized the same is not absolute but reasonably restricted. Certain safeguards have been built in to the Act in order to enable that revelation of information does not conflict with public interest.

10. In the present case, Appellant wanted to have CCTV footage of camera installed at Border check post at Pollem, Canacona Goa.

Admittedly Pollem Check Post is the Southern border check post of the State of Goa connecting the State of Karnataka. CCTV has been installed on the said check post for monitoring physical movement and safety of the individual.

11. In the present case, Appellant wanted to have CCTV camera footage of 47 hours from Pollem Canacona border check post.

The Appellant in his appeal memo has neither disclosed the reason for CCTV camera footage nor has been able to establish as how the disclosure of the information has got relation to public activity or public interest.

No doubt under section 6 (2) of the Act, the seeker of the information is not required to give any reason for requesting the information, but purpose becomes relevant in order to determine the fact whether the information sought involves larger public interest.

Appellant through his advocate argued that information was sought because his client was forcibly abducted by some people from Karanatak and he wanted to produce CCTV camera footage before the court in Karantaka.

But this fact is not pleaded in appeal nor it is reflected in RTI application. Abduction or kidnapping is a crime. If any crime occurs it was the first duty of the Appellant to lodge the police complaint.

In the present case Appellant has failed to produce police complaint or FIR on record. Neither did the Appellant produce the detail of offence of abduction nor the timing of occurrence of alleged offence.

12. In fact the purpose of installing CCTV cameras in public places like border check post is to ensure surveillance, so as to keep a vigil on the anti social elements illicit happening and vandalism in order to facilitate the law enforcement agencies.
13. The Appellant has sought CCTV footage of camera installed at Border Check Post at Pollem, which is a sensitive public place and if CCTV footage is made available, it may misused by the third party which could endanger the security of the premises where such cameras are installed.
14. The Appellant has not demonstrated larger public interest warranting the disclosure of CCTV camera footage, besides the Appellant has not sought information pertaining only to himself.
15. The Hon'ble Chief Information Commission in **K. Kaliaperumal v/s Pondicherry University** dated 27-05-2019 in said judgment it is held that:

"The Commission observes that the purpose of installing CCTV cameras in public places is to ensure surveillance, so as to keep a vigil on the anti-social elements and illicit happenings like vandalism etc., to check crime and facilitate a quick response during an emergency. These are related to the maintenance of law and order. CCTV footage can also be provide evidence in case crimes do occur and help the law enforcement agencies. However, while such systems continue to enjoy general public support they do involve intrusion into the lives of ordinary people as they go about their day to day business and can raise wider privacy concerns."

16. Another decision of CIC in **Md. Shakeel Ahmad v/s CPIO** which states:-

"The Commission has not been in favour of unconditional provision of footage of CCTV cameras to RTI applicants as it could endanger the security of the premises, where those cameras are installed. However the Commission has directed provision of limited CCTV footage in cases where it pertained to the applicant himself."

In Case No. CIC/SM/A/2013/000411 & 412 of **Shri. Assem Takyar v/s CPIO Supreme Court of India and CPIO High Court of Delhi**, the CPIO of the Hon'ble S.C. had refused to disclose the CCTV footage by claiming exemption under Section 8(1)(g) of the R.T.I. Act. The Hon'ble Central Information Commission held:-

"that the details of the CCTV cameras installed to protect the Supreme Court of India and the High Court have clear security angle. The knowledge about those cameras such as whether they are functioning or not and the footage from those cameras can be misused and might compromise the security of the Courts, as such no such information should be disclosed".

In Case No. CIC/YA/A/2016/002188 of **J. Prakash v/s CPIO, Steel Authority of India Ltd., (SAIL)-Visvesvaraya Iron & Steel Plant (VISL), Bhadravati** and in Case No. CIC/SH/A/2015/001336, the Central Information Commission has observed that:-

"The information sought by the Appellant attracts the bar of Section 8(1) (j) and (g) of the RTI Act. The Commission has not been in favour of unconditional provision of footage of CCTV Cameras to RTI applicants as it could endanger the security of the premises, where those cameras are installed. However, the Commission has directed provision of limited CCTV footage in cases where it pertained to the applicant himself."

In view of above ratio laid down in various Judgement, there is no sufficient ground to disclose the CCTV camera footage to the Appellant.

17. Considering the nature of information sought for by the application dated 10-08-2020, I find that, disclosure of information does not appear to be very practical proposition particularly when Appellant has not established any larger public interest in such disclosure. The disclosure of CCTV footage may result in unwarranted intrusion of privacy of Individual.

In balancing the competing interest, the disclosure of information must appear to justify public interest and will not cause harm to the public institution.

Hon'ble High Court of Andra Pradesh in **Kunche Durga Prasad Anr. v/s Public Information Officer of Chief Manager (HR), Oil & Natural Gas Corporation Ltd. (2010 (3) ALL MR (JOURNAL) 11)** has held that:

"9. It is not a place of mention that Parliament was very much aware of the necessity to strike a decent balance between making the information available to the citizenry, to promote public interest and efficiency, on the one hand, and, preservation of confidentiality of sensitive information, on the other hand. The statement of objectives of the Act emphasizes the need to harmonize these two conflicting interest."

10. The right to information is treated as a facet of the fundamental rights guaranteed under Articles 19 and 21 of the Constitution of India. That, however, would be in respect of the information which related to the functioning of the Government and public activity. The information which relates to an individual cannot be compared with, or equated to, the one of public activity. On the other hand, disclosure of the information in relation to an individual, even where it is available with the Government, may amount to invasion of his privacy or right to life which in turn is also referable to Article 21 of the Constitution of India. It is also possible to treat the privilege of an individual not to be compelled to part with any information available with him, as an essential part of the Article 19(1)(a) of the Constitution of India. Even while exercising his right of freedom of speech and expression, an individual can insist that any information relating to him cannot be furnished to others unless it is in the realm of public activity or is required to be furnished under any law, for the time being in force.

11..... The freedom of an individual to have access to the information cannot be projected to such an extent as to invade the rights of others. Further, Section 6(2) of the Act cannot be read in isolation, nor can be interpreted to mean that an applicant can seek every information relating to any one. Just as he cannot be compelled to divulge the purpose for which he needs the information, he must respect the right of the other man to keep the facts relating to him, close to his chest."

The Act has sought to harmonise two conflicting interests essentially for preserving democracy. One is to bring about transparency and accountability by providing access to information and another is that actual practice does not conflict with other public interest which includes efficient functioning of Government and preservation of confidentiality of sensitive information.

Hon'ble Supreme Court in the **Institute of Chartered Accountant of India v/s Shaunak H. Satya & Ors.** (C.A. No. 7571/2011) Has held that:

"One of the objects of democracy is to bring about transparency of information to contain corruption and bring about accountability. But achieving this object does not mean that other equally important public interests including efficient functioning of the governments and public authorities, optimum use of limited fiscal resources, preservation of confidentiality of sensitive information, etc. are to be ignored or sacrificed. The object of RTI Act is to harmonize the conflicting public interests, that is, ensuring transparency to bring in accountability and containing corruption on the one hand, and at the same time ensure that the revelation of information, in actual practice, does not harm or adversely affect other public interests which include efficient functioning of the governments, optimum use of limited fiscal resources and preservation of confidentiality of sensitive information, on the other hand. While sections 3 and 4 seek to achieve the first objective, sections 8, 9, 10 and 11 seek to achieve the second objective. Therefore when section 8 exempts certain information from being disclosed, it should not be considered to be a fetter on the right to information, but as an equally important provision protecting other public interests essential for the fulfillment and preservation of democratic ideals. Therefore in dealing with information not falling under section 4(1)(b) and (c), the competent authorities under the RTI Act will not read the exemptions in section 8 in a restrictive manner but in a practical manner so that the other public interests are preserved and the RTI Act attains a fine balance between its goal of attaining transparency of information and safeguarding the other public interests."

Considering the above ratio laid down by Hon'ble Supreme Court, I Hold that CCTV camera footage cannot be disclosed in the present case.

18. Merely on the basis of oral submission this Commission has not been in favour of providing unconditional CCTV camera footage of 47 long hours to the Appellant. The judgment of CIC relied upon by the Appellant in Jasprit Singh v/s Central Public Information, is distinguishable and not relevant in this case.
19. On perusal of records it is seen that the RTI application dated 13-10-2020 was replied by PIO on 19-10-2020 that is within stipulated time as provided in the Act.
20. The Commission finds that, the denial of information by the PIO is reasonably justified and therefore the question of granting compensation does not arise as prayed by the Appellant.
21. I therefore dispose the present appeal with following:

ORDER

The appeal is dismissed.

Proceedings closed.

Pronounced in the open court.

Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner

Shri Nitin Mantri,
Supervisor,
Directorate of Settlement & Land Records,
Panaji-Goa.

..... Appellant

V/S

1. Smt. Rupali Lotlikar,
Head Surveyor,
Office of the Inspector of Survey and Land Records,
Margao-Goa.

2. Kum. Domiana Nazareth,
The Public Information Officer,
The Superintendent of Survey and Land Records,
Panaji -Goa.

..... Respondents

Shri Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 11-08-2021

Decided on: 17-11-2021

FACTS IN BRIEF

1. The Appellant, Shri Nitin Mantri, Supervisor, Directorate of Settlement & Land Records, Panaji-Goa, filed this appeal being the third party under sec 19(3) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') challenging the order of First Appellate Authority (FAA) dated 02-08-2021, alongwith the application for stay of the effect and operation of the said order.
2. According to Appellant, Respondent No. 1, Smt. Rupali Lotlikar, Head Surveyor from the office of the Inspector of Survey and Land Records, Margao Goa, vide her application dated 21-05-2021 applied for certain information of Appellant from Respondent No. 2, Public Information Officer (PIO), the Superintendent of Survey and Land Records at Panaji the following information:-

"Kindly provide me information regarding extraordinary leave availed by Shri Nitin Mantri, presently working as a Supervisor in the Department of Settlement and Land Records, Panaji, since the time he has joined the department, with or without availing them.

I may kindly be provided certified copies of orders by virtue of which the extraordinary leave has been sanctioned to Shri Nitin Mantri since the period of his joining the Department of Settlement and Land records, Panaji. The same is required for my personal records and the fees towards the same will be paid by me. I am citizen of India."

3. Further according to Appellant the PIO followed the process of law and issued notice to the Appellant under sec 11 of the Act, and rejected the information being exempted under sec 8(1)(J).
4. Not satisfied with the reply of PIO, the Respondent No. 1 preferred a first appeal before Deputy Director (Administration), Directorate of Settlement and Land Records at Panaji Goa, being the First Appellate Authority (FAA).
5. The FAA by order dated 02-08-2021 allowed the first appeal and directed to furnish information to Respondent No. 1. Aggrieved with the order of FAA (Respondent No. 2), the Appellant preferred this second appeal under sec 19(3) of the Act before the Commission.
6. Notice was issued to the parties, pursuant to which PIO appeared and filed her reply on 31-08-2021. Respondent No. 1 appeared through her legal representative, Adv. Chirag Angle and filed reply on 31-08-2021.
7. Perused the pleadings, reply and scrutinized the documents on records and heard the submission of parties.
8. Learned counsel, Adv. J.A. Lobo appearing on behalf of Appellant argued that information sought by Respondent No. 1 is a personal information and it cannot be divulged as per sec 8(1)(J) as furnishing this information would amount to unwarranted invasion of his privacy and that information is in no way connected to larger public interest.

He further contended that, Respondent No. 1 filed first appeal before FAA, however the Appellant is not made a party in the said proceeding so also the FAA also did not follow the mandate of sec 11 of the Act, by issuing notice to Appellant and instead passed the order on 02-08-2021 directing the PIO to furnish the information.

Further according to him the said order of FAA suffers from the patent defect as it violates the principles of natural justice and prays that order of FAA be quashed and set aside and remand back the proceeding before the FAA to hear the first appeal in accordance with law. In support of his case he relied upon the judgment of Hon'ble High Court of Bombay at Goa in Mario Diniz v/s the Goa State Information Commission and Ors (Writ Petition No. 141/2012).

9. On the order side, learned counsel, Adv. Chirag Angle argued on behalf of Respondent No. 1. He submitted that the information sought for is already well within the public domain being held by the public authority, thus warranting statutory disclosure and no prejudice will be caused to the Appellant if information is disseminated.

Further according to him the order of FAA dated 02-08-2021 is well reasoned and judicious order requiring no interference of this Commission and he relied upon the Judgment of Hon'ble High Court of Bombay at Goa in case of Kashinath J. Shetye v/s Public Information Officer and Ors (Writ Petition No. 1/2009) and judgment of the Hon'ble High Court of Bombay at Goa in C. Radhakrishnan v/s Public Information Officer and 3 Ors (Writ petition No. 1004/2019) to support his argument.

10. PIO through her reply submitted that on receipt of the RTI application on 21-05-2021, she vide letter No. 1/202/DSL/ EST/RTI/12/1616 dated 31-05-2021 issued notice to Appellant (third party) under provision of sec 11 of the Act, the Appellant by his reply dated 16-06-2021 objected to divulge the said information being it is his personal information. Accordingly on 18-06-2021, she informed the Respondent No. 1, that information cannot be provided since the same is exempted under sec 8 (1)(J) of the Act.
11. It is a strange case where all the parties in the proceeding are working in the same Department i.e Department of Settlement and Land Records.
12. The entire exercise in the proceeding starts by the RTI application dated 21-05-2021 by which Respondent No. 1 seeks information pertaining to extra ordinary leave availed by the Appellant.
13. The whole proceeding is full of contradictions and omissions and suffers from many infirmities like FAA did not join Appellant as party in first appeal. The Appellant in this second appeal did not join FAA as a party in the proceeding. The PIO in her RTI reply has not mentioned about the third party notice issued under sec 11 of the Act etc.
14. Be that as it may, the issues that arise for consideration before this Commission are:-
 - 1) Whether information sought is personal information and hence exempted under sec 8 (1)(J) and
 - 2) Whether proceeding need to remanded for non-complying of sec 11 of the Act.
15. Sec 8 (1)(J) of the Act reads as under:-

"8. Exemption from disclosure of information.-

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,___

(J) 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 Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."

From the above reading it is evident that the exemption is attracted under two circumstances, first the information is personal in nature and has relationship to a public activity or interest.

16. The Hon'ble Supreme Court in case of **Central Public Information Officer, S.C. v/s Subhash Chandra Agarwal (C.A.No. 10045/2010)** has held in para No. 59 as under:-

"59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive."

17. The Hon'ble High Court of Bombay at Goa in case **Kashinath J. Shetye v/s Public Information Officer and Ors.** In para No. 7 has held that:-

"7. The first thing that needs to be taken into consideration is that the petitioner is a public servant. When one becomes a public servant, he in strict sense becomes a public servant and as such, every member of public, gets a right to know about his working, his honesty, integrity and devotion to duty. In fact, nothing remains personal while as far as the discharging of duty. A public servant continues to be a public servant for all 24 hours. Therefore, any conduct/ misconduct of a public servant even in private, ceases to be private. When, therefore, a member of a public, demands an information as to how many leaves were availed by the public servant, such information though personal, has to be supplied and there is no question of privacy at all. Such supply of information, at the most, may disclose how sincere or insincere the public servant is in discharge of his duty and the public has a right to know."

18. Referring to the **Kashinath J. Shetye v/s Public Information Officer & Ors**, the Hon'ble High Court of Bombay at Goa in **C. Radhakrishnan v/s Public Information Officers & 3 Ors** has held that:-

"24. The proviso to Section 8(1)(j) of the aforesaid Act is crucial for the reason that being a public servant if the State Legislature was to call for such information pertaining to the Petitioner, the Information Officer could not have denied the same. This is for the reason that the Petitioner, as a public servant, is paid salary from the public exchequer and the State Legislature would certainly be entitled to call for such information. If the State Legislature could not be denied the aforesaid information, by operation of the proviso to Section 8(1) (j) of the said Act, Respondent no. 4 also could not have been denied such information."

25. XXX XXX

26. XXX XXX

27. *There cannot be any doubt about the fact that invasion of privacy has to be construed in the facts of each case and, in any case, when it is found that divulging of such information can be said to in larger public interest, the exemption under Section 8 (1) (j) of the said Act, would not be available.*"

In the present case the available information sought pertains to extra ordinary leave availed by the Appellant and which is certainly not personal information as per the ratio laid down by above judgments, therefore issue number one is answered as 'negative'.

19. While deciding the issue No. 2, it is relevant to deal with sec 11 of the Act which reads as under:-

"11. Third party information. — (1) Where a Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party."

This section deals with disclosure of information in relation to third party. If the PIO intends to disclose any information which is related to third party, the PIO is under the obligation to give written notice to such third party within five days from the receipt of request for information.

It may be appropriate here to refer to the definition of the term "third party" in section 2 (n) of the Act which reads as under:-

"2 (n)- 'third party' means a person other than the citizen making a request for information and includes a public authority."

Section 11 prescribes the procedure to be followed when a PIO is required to disclose information which relates to or has been supplied by a third party and has been treated as confidential by the said third party. Section 19(4) stipulates that when an appeal is preferred before the State Information Commissioner relating to information of a third party, reasonable opportunity of hearing will be granted to the third party before the appeal is decided.

In this case it is admitted fact that PIO vide letter dated 31/05/2021 issued notice to the Appellant (third party) under sec 11 of the Act and decided the RTI application using her wisdom to reject the application. Therefore the PIO has decided the matter in fair and just manner.

20. Adv. J.A. Lobo relied upon the judgment of Hon'ble High Court of Bombay at Goa in Mario Diniz v/s the Goa State Information Commission and Ors (W.P. No. 141/2012), the para no. 6 of said judgment reads as under:-

"6. Considering the facts and circumstances of the case and taking note of the Judgment of the learned Single Judge of this Court reported in AIR 2012 Bom. (1) in the case of Reserve Bank of India, Mumbai, vs. Rui Ferreira, & Ors., I find that it is well settled that before supplying the information sought by the WP-141-12-3-

Respondent no.2, the Petitioner was entitled for a notice within the provisions of Section 11 of the Right to Information Act."

This judgment cannot be of any help to the Appellant, as in the present case notice under sec 11 was issued by the PIO and the say of Appellant was obtained prior to take decision.

This view is also fortified by Hon'ble High Court of Bombay in Skill Infrastructure Private Limited v/s State Information Commissioner, the Maharashtra State Information Commission & Ors [2010 (3) MAH. LJ 193].

Considering the above ration laid down by the Hon'ble High Court, and since the third party was heard before taking decision by the PIO, the issue number 2 is also answered as negative.

21. Considering the nature of the information sought by Respondent No. 1, same is generated by public authority in exercise of its duties and functions. This information cannot be considered as personal information and would not cause unwarranted invasion in his privacy, objection of the Appellant do not justify the non-disclosure. The Appellant has not substantiated that disclosure of information would cause injury to him.
22. I am therefore unable to grant the relief prayed by Appellant (third party) and disposed the appeal with following:-

ORDER

- The appeal is dismissed.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner

Shri Oswald Fernandes,
H. No. 1141, Muxivaddo,
Curtorim, Salcete-Goa

..... Appellant

V/s

1. The Public Information Officer (PIO),
Mr. Allauddin Maniyar,
Village Panchayat of Cavelossim,
Cavelossim, Salcete-Goa

2. First Appellate Authority (FAA),
Mr. Amlesh Shivoikar ,
Block Development Officer-1,
Office of the BDO, Margao-Goa

..... Respondents

Filed on:- 15-09-2020

Decided on: 30-07-2021

Relevant dates emerging from appeal:

RTI application filed on	: 05-06-2020
PIO replied on	: 14-08-2020
First appeal filed on	: 10-07-2020
First Appellate authority order passed on	: 03-09-2020
Second appeal received on	: 15-09-2020

ORDER

1. The Second Appeal filed by the Appellant Shri. Oswald Fernandes, R/o. Muxivaddo, Curtorim-Salcete, Goa against Respondent No. 1, PIO Village Panchayat Cavelossim, Shri. Allauddin Maniyar and Respondent No. 2 FAA, BDO Margao, under u/s 19(3) of Right to Information Act, 2005 (RTI Act, 2005) came before this Commission on 15-09-2020.
2. Brief facts leading to the second Appeal are as under :-
 - a) The Appellant Shri. Oswald Fernandes vide application dated 5/06/2020 filed u/s 6(1) of the RTI Act, 2005 sought from Respondent No. 1, PIO, following information:-
 - (i) Copies of the documents including applications filed by the owners Mr. Cruz Cardozo and or Sevana Zemira Jacques requesting allotment of House Numbers in Tibet ward of Village Cavelossim.
 - (ii) Copies of Panchayat Resolutions adopted to allot house Nos. 320/A, 320/B, 320/C including names of person in whose name the said house numbers were allotted.
 - (iii) Copies of approved plans by TCP and Village Panchayat including occupancy certificate granted by Village Panchayat in respect of the said structure.

- (iv) Information whether all those structures with house numbers are in existence and or the said house numbers were granted to single structures.
 - (v) Copies of receipts of payment of house tax.
 - (vi) Copies of all the documents which are connected to but not mentioned herein above.
- b) It is the contention of the Appellant that he filed first appeal before the FAA as the PIO failed to issue documents within the prescribed time limit.
 - c) It is the contention of the appellant that during the hearing, the PIO produced copies of documents alongwith the covering letter. However one important document regarding house No. 320/C was not furnished, instead a copy of complaint filed to PI Colva regarding theft of missing documents was produced.
 - d) It is the contention of the Appellant that documents which he had applied for under RTI application before PIO went missing as per the Complaint filed by the PIO.
 - e) It is the contention of the Appellant that he is in possession of a document received under RTI, which reveals that the PIO has allowed Mr. Cruz Cardozo to inspect proceeding books without any watch and then the said documents went missing. One of the document (resolution) went missing is regarding house No. 320/C granted without following due process to Mr. Cruz Cardozo, who was allowed to inspect all books.
 - f) It is the contention of the Appellant that the FAA failed to direct the PIO to furnish all the documents sought by the Appellant. The Resolution of House No. 320/C is critical as the Appellant has a Complaint pending against illegalities related to the said house before various authorities. It is also the contention of the Appellant that the FAA disposed the matter without holding the PIO responsible for the loss of documents.
 - g) It is the contention of the Appellant that the FAA wanted to close the first Appeal without issuing a copy of the said resolution to the Appellant, which the Appellant objected. However, without recording Appellant's objection, FAA closed the Appeal.
3. In the above background the Appellant being aggrieved by the action of Respondent No. 1 PIO and Respondent No. 2 FAA, approached this Commission u/s 19(3) of the RTI Act, 2005 on 15-09-2020 with various prayers including furnishing of the information.
 4. After notifying the concerned parties the matter was taken up for hearing. Pursuant to the notice of this Commission, the Appellant appeared before the Commission. Respondent No. 1 PIO filed reply on 9-02-2021 and preferred not to attend subsequent hearings. Respondent No. 2 FAA filed written submissions praying for exemption from the Appeal.
 5. I have perused the replies and submissions made by both the Respondents. It is observed that part information is furnished to the Appellant, though after the prescribed limit of 30 days. According to the Respondent PIO, the documents related to the house of Cruz Cardozo are not found in the Panchayat Office. On this background the PIO has written a letter to Police Inspector, Colva Police Station, dated 6-08-2020 requesting him to register a Complaint/ FIR.

6. It is seen from the Records that the Respondent No. 1 PIO in a reply sent to the Appellant dated 14-08-2020 has stated that, " In respect of house No. 320/C the house No. was allotted to Cruz Cardozo as per records, the application inwarded on 25-10-2011 against the entry no. 704 in inward Register, the application is missing and resolution page is torn in the monthly meeting proceeding book and the FIR is filed in Colva Police Station on 06-08-2020. Copy of Inward Register and FIR is enclosed."
7. Respondent No. 1 PIO in his reply dated 09-02-2021 filed before the Commission has stated:-
- a) That the information sought in regards to house no. 320/C, it was observed that in proceedings book of month meeting dated 28-10-2011 only two pages i.e. 142 and 162 are missing and not available and in respect of which Complaint FIR dated 06-08-2020 after verification.
 - b) That further, the connected house tax filed for year 2010-2011 is also missing and cannot be traced.
 - c) That apart from this, 16 applications under RTI are disposed by providing information and Appellant saw for himself that no such documents were available and missing.
 - d) The documents sought are as old as 2011. Before the appointment of Respondent as Secretary for Cavelossim, there were several Secretaries. That the Respondent is incharge of documents since December 2018 and cannot be made responsible for loss or damage of documents prior to his holding position as Secretary.
 - e) Under Right to Information Act 2005, the definition (j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to:-

(i) Inspection of work, documents, records;

(ii) Taking notes, extracts or certified copies of documents or record

(iii) Taking certified samples of material;

(iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device

Therefore whatever is not accessible does not amount to information and to buttress this Respondent gave inspection and showed the missing documents and also filed FIR in this regard.

8. The Appellant Shri. Oswald Fernandes, in a rejoinder filed before this Commission dated 27-07-2021 has contended that the replies of both the Respondents are false and Respondent No. 1 PIO, being responsible and custodian of records and documents has completely neglected his duties. Appellant has also contended that the PIO being custodian of documents in the Panchayat Office, should be held responsible for missing of documents related to house No. 320/C. The Appellant has also contended that due to the said missing of those documents, important resolution of legally constructed structures and house tax

records belonging to several other persons might have gone missing only to protect the illegal grant of house no. 320/C.

9. After detail perusal of all the submissions and documents the Commission has arrived at certain findings as under.

a) The PIO realized about the missing of documents related to house No. 320/C only after the Appellant filed RTI application. The PIO had earlier allowed the inspection to Mr. Cruz Cardozo.

b) Respondent PIO wrote a letter to Police Inspector, Colva Police Station dated 06-08-2020, requesting him to Register a Complaint / FIR. However, the Commission is not updated by the Respondent regarding the inquiry of the said Complaint.

c) Since the relevant documents are missing from Panchayat Office and FIR is lodged, the Commission cannot issue directions to the PIO to furnish remaining information which according to PIO, does not exist in the Panchayat Office.

d) However, being the Secretary, of the Village Panchayat, the PIO is the Custodian of all documents and records maintained by his Office, should do proper follow up of his Police Complaint.

10. In a similar matter the Hon'ble High Court of Delhi in writ petition (C) 36609/12 and CM 7664/2012 (stay) in the case of Union of India V/s Vishwas Bhamburkar has held :-

"It is not uncommon in the Government Departments to evade the disclosure of the Information taking the standard plea that the information sought by the Applicant is not available. Ordinarily, the information which at some point of time or otherwise was available in the records of the Government should continue to be available to the concerned department unless it has been destroyed in accordance with the rules framed by the Department for destruction of old records. Even in the case where it is found that desired information though available at one point of time is now not traceable despite of best effort made in the regards, the Department concerned must fix responsibility for the loss of records and take action against the Officers/Official responsible for the loss of records, unless such a course of action is adopted, it would not be possible for any Department/Office, to deny the information which otherwise is not exempted from the disclosure."

11. Considering the above position and the said documents are not traceable till date, and the FIR being registered in the Police Station, the Commission is unable to pass any direction to the PIO to furnish information. However, that itself does not absolve the PIO or the Public Authority concerned herein of his responsibility under this Act or the Act governing the Village Panchayat under which such document is required to be maintained. And therefore, appropriate order is required to be passed so that the liability is fixed and records are traced. Also, it has to be noted that the FAA should have looked into the first Appeal with serious application of mind and should have considered the fact that the PIO has furnished only part information. However, the FAA disposed the Appeal in a casual manner.

12. In the above circumstances and in the light of above discussion, I dispose the Appeal with following:-

- a) Respondent No. 2 the FAA, BDO, Margao is directed to monitor the inquiry of the FIR/Police Complaint filed by the PIO on 06-08-2020 in Colva Police Station.
- b) The Director of Panchayat is directed to initiate appropriate proceedings against the Secretaries of the said Village Panchayat, responsible for missing of the said documents.
- c) Issue showcause notice to the Respondent No. 1 PIO Shri. Allauddin Maniyar and the PIO is further directed to showcause as to why penalty as provided under section 20 (1) and 20(2) of the RTI Act, should not be imposed against him.
- d) In case the PIO is transferred, the present PIO shall serve this notice alongwith the order to the then PIO and produce the acknowledgement before the Commission on or before the next date of hearing, alongwith the full name and present address of the then PIO.
- e) Respondent No. 1 PIO Shri. Allauddin Maniyar is hereby directed to remain present before this Commission on 27-08-2021 at 10.30 a.m. alongwith the reply to the Showcause notice. The Registry is directed to initiate penalty proceedings and send a copy of this order to the Director, Directorate of Panchayat, Government of Goa.

13. Hence the Appeal Proceedings stand disposed and closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Pronounced in the open court.

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/-

(Sanjay N. Dhavalikar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa

Shri Oswald H. Pinto,
Editor of Debates,
Goa Legislature Secretariat,
Porvorim-Goa

..... Appellant

v/s

1) Ms. Namrata Ulman,
Secretary,
Goa Legislative Assembly,
Secretariat, Porvorim - Goa
First Appellate Authority, under RTI Act, 2005

2) Shri U.D. Bicholkar,
Asst Public Information Officer/
Committee Officer,
Goa Legislature Secretariat,
Porvorim-Goa.

3) Shri Mohan Gaonkar,
PIO/Under Secretary,
Goa Legislature Secretariat,
Porvorim-Goa.

..... Respondents

Filed on : 27-05-2020

Decided on : 26-10-2021

Relevant dates emerging from appeal:

RTI application filed on	: 11-03-2020
PIO replied on	: 22-04-2020
First appeal filed on	: 23-04-2020
FAA order passed on	: 22-05-2020
Second appeal received on	: 27-05-2020

ORDER

1. The Appellant Shri. Oswald H. Pinto, vide application dated 11-03-2020, filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred to as Act), sought certain information as mentioned in the said application from Respondent No. 2, Assistant Public Information Officer (APIO) Goa Legislature Secretariat, Porvorim Goa. The information is with respect to his own service matter, such as pay fixation etc.
2. The Appellant received a reply dated 22-04-2020 signed by Shri U.D. Bicholkar, APIO, stating that the concerned file is forwarded to the Government and as such, the information called upon at para 1 and 2 will be provided once the file is received by the Legislature Secretariat ; and as regards the information at para 3, the concerned file is forwarded to the Personnel Department.

3. Being aggrieved by the response of APIO, the Appellant preferred an appeal dated 23-04-2020 before the Respondent No. 1, First Appellate Authority (FAA), Secretary, Goa Legislative Assembly, Porvorim Goa. The FAA vide order dated 22-05-2020 dismissed the Appeal. The Appellant states that the denial of information is contrary to the provisions of the Act and the conduct of the Respondents is deliberate and with an intention to deprive Appellant the information he sought.
4. It is the contention of the Appellant that he filed second Appeal before this Commission on the above mentioned grounds. The Appellant has prayed for :
 - (a) Directions to Respondents to furnish correct and complete information,
 - (b) Penalty on Respondents and disciplinary action etc.
5. The matter was taken up on board and notice was issued to the concerned parties. Pursuant to the notice, Appellant as well as APIO appeared in person. FAA filed reply dated 29-06-2020. APIO Shri Bicholkar submitted that the then PIO has retired and the appointment of new PIO is in process. Subsequently the present PIO Shri Mohan Gaonkar filed reply dated 10-09-2020 stating he has been appointed as PIO on 28-08-2020. The PIO was admitted as Respondent No. 3 in the cause title of this Appeal. The Appellant filed counter reply on 10-08-2020 and again on 07-10-2020.
6. The present PIO has stated in his reply that the information could not be furnished as the file was not in the Legislature Secretariat at the time of said RTI application. Though the said file was received by the Secretariat on 28-04-2020, information was not furnished as it was a live file pertaining to service matter and disclosure would have compromised decision making process. The PIO has cited some cases wherein it has been held that in cases under investigation, information is not to be disclosed until the investigation is complete and records in any form cannot be disclosed by the concerned authority. The PIO states that the Appellant works in the same Public Authority and the information sought pertains to his own service matter on which decisions are yet to be taken by the appropriate authority. Any divulging of information at this stage will jeopardize the decision making process as the service matter is still not finalized. With this say, the PIO has denied the information to the Appellant claiming exemption under section 8 (1)(e) and (h) of the Act.
7. The FAA, vide reply dated 29-06-2021 has justified her order in the first appeal. The FAA has stated that the PIO could not furnish information as the file was not in the Legislature Secretariat at the time of RTI application of the Appellant. Later, the file was received, however information was not disclosed because it would have compromised the decision making process. The FAA also states in her reply that the Appellant has filed writ petition in the Hon'ble High Court of Mumbai at Goa bench for which the FAA has filed a detailed reply and furnished all relevant copies of notings before the Hon'ble High Court.
8. The Appellant has stated in his counter reply that the file was received by the Legislature Secretariat during the proceeding of first appeal, before the appeal was decided by the FAA. Therefore the information could have been furnished, whether the file is live or dead, does not bar under the law from providing information under RTI Act, 2005. The Appellant has also questioned the decision making process which is kept pending for years together.

9. The Respondents have raised some grounds on the entitlement of information by the Appellant and on the other hand the Appellant has expressed certain apprehensions against the Respondents. Considering the gravity, the matter was posted for arguments. Mr. Hercules Noronha, Joint Secretary, Goa Legislature Secretariat argued on behalf of FAA as well as PIO. Mr. Noronha stated that the information is not furnished to the Appellant because the said matter is about pay fixation/increment in salary of the Appellant. The Appellant, in the past has used political influence to get out of way increments and if the information is furnished to him at the time when the decision making process is not complete, the Appellant may again use political favours to settle the matter in his favour.
10. The Appellant argued that he has not approached any political personality and he is seeking this information in order to submit before the Hon'ble High Court in a relevant matter filed by him. That the Appellant is entitled for higher scale as per Government Circular since 2013. However, the decision process has continued for years together which has denied him the higher scale. That the Appellant is seeking his own information and the said information is available in the Legislative Secretariat, which should be provided to him. The Appellant highlighted FAA's order dated 22-05-2020. In the last para of the said order the FAA has stated that the file pertaining to the information has been received by this Secretariat on 28th April 2020, and the applicant, if he wishes may make a fresh application for the same. The Appellant argued that the FAA should have directed PIO to furnish information instead of asking Appellant to file fresh application.
11. It is seen from the records that the PIO and the FAA, while denying the information to the Appellant has claimed exemption under various sub clauses of section 8 (1) of the Act. This claim is relied upon the orders passed by several Information Commissions in support of their contentions that the process of inquiry and decision making also constitute investigation. However, the relevant point here is that the orders of State Information Commissions of other States having jurisdiction concurrent to that of this commission cannot be considered as binding. Moreover, the context of the decision and the matter brought before them are not known.
12. Moreover, the reasons for denial of information by Respondents at various stages are different. Initially it was denied saying the file is not available. Thereafter the FAA, even though had received the file during proceeding of first appeal, upheld the decision of APIO. It is strange that the reasons put up by the FAA, that during the period of 30 days, of RTI application, the information is not held by the PIO. The FAA has erred on this aspect. The order of the FAA is dated 22nd May 2020, much after the receipt of file, that is on 28th April, 2020 and therefore FAA could not have taken this ground.

Furthermore, the stand of the present PIO and FAA, during the proceeding of second appeal has been different. During the first appeal, the FAA while up holding the say of PIO, also initiated appellant to file fresh application whereas the present PIO and FAA took support of section 8(1)(e) and (h) of the Act in denying the information.

13. It is therefore necessary to examine this argument. Various sub clauses of section 8 (1) of the Act does not provide blanket exemption in refusing the information. The onus lies on PIO to show the reason for such exemption. In a similar matter, B.S. Mathur v/s Public Information Officer, Writ Petition (C) 295/ 2011, the Hon'ble Delhi High Court has observed in para 19 which reads :-

"19. The Question that arises for consideration has already been formulated to the court order dated 21st April 2011. Whether the disclosure of the information sought by the petitioner to the extent not supplied to him yet would impede the investigation in favour of section 8 (1) (h) of the RTI Act? The scheme of the RTI act, its objects and reasons indicate that disclosure of information is the rule and non disclosure the exception. A public authority which seeks to withhold information available with it has to show that the information sought is of the nature specified in section 8 of RTI Act".

14. Further, Hon'ble High Court of Punjab and Haryana in *Vijay Dheer v/s State Information Commissioner, Punjab and Ors.* (LNIND 2013 PNH 2263) has held :

" While examining the scope of an exemption clause under section 8 of the Act, it would be useful to refer to the statement as objects and reasons of the act itself. The objects and reasons of the Act recite that the provisions of the Act are to ensure maximum disclosure and minimum exemptions consistent with the constitutional provisions and to provide for an effective mechanism for access to an information and disclosure by authorities. Still further, the Act has been enacted in order to promote transparency and accountability in the working of every public authority".

Considering the ratio laid down by the Hon'ble High Court of Delhi, it is obligatory on the PIO to furnish information unless in some exceptional cases it is exempted ; and if it is exempted the onus is on PIO to show why the information is exempted under particular sub clause of section 8 (1).

15. The PIO and FAA has sought exemption under section 8 (1)(e). Hon'ble Supreme Court, in civil appeal No. 6454 of 2011 (arising out of SLP (c) No. 7526/2009), *C.B.S.E & Anr. v/s. Aditya Bandopadhyay & Ors* has stated in para 24:-

"24. – we may next consider whether an examining body would be entitled to claim exemption under Section 8(1)(e) of the RTI Act, even assuming that it is in fiduciary relationship with the examinee, that section provides that notwithstanding anything contained in the Act, there shall be no obligation to give any citizen information available to a person in his fiduciary relationship. This would only mean that even if the relationship is fiduciary, the exemption would operate in regard to giving access to the information held in fiduciary relationship, to third parties. There is no question of the fiduciary withholding information relating to the beneficiary, from the beneficiary himself. One of the duties of the fiduciary is to make thorough disclosure of all relevant facts of all transactions between them to the beneficiary, in a fiduciary relationship".

The ratio laid down by the Apex Court is very much applicable here considering the fact that the Appellant has sought his own information. Let us now see the reasons advanced by the PIO and FAA, through the Joint Secretary: - The claim is that the Appellant has used political influence in getting out of way increments and if the information is disclosed, he may bring political influence to settle the matter in his favour. It is shocking that such an argument is put forth by a senior officer. This reflects a lot but we restrain to comment. This cannot be accepted as a reason for exemption under section 8(1)(e) and (h).

16. It is seen in the records as well during argument that the Appellant and respondents have produced documents/ correspondence related to the service matter and pay fixation, to be more precise. Also both the sides have leveled allegations against each other. However these things do not pertain to the appeal, as redressal of service matters does not come under the jurisdictions of this Commission, therefore, the Commission has not considered these submission. The role of Commission is limited to ensure that a citizen is provided with information that is available in records and sought under the Right to Information Act, 2005.
17. As pointed out by the Appellant, the PIO's office had received the concerned file during the proceeding of first appeal. However the FAA instead of directing PIO to furnish information, asked Appellant to file fresh application. This shows nothing but the arrogance of the FAA and least respect towards the provisions of the Act. The appellant has also questioned decision making process of the authority which seems to be ongoing for a long time. The enquiry or investigation and also any decision making process cannot continue forever, it attains its logical conclusion at a certain point. And on this pretext the information should not be denied. At what stage, the decision making process is pending is also not brought on record by the PIO.
18. Importantly, the Appellant is seeking his own information, which is available in the record of PIO. More importantly, the Appellant has now retired on superannuation and therefore there is no possibility that he can interfere in the decision making process of his pay fixation, if at all the same is still pending.
19. In the light of above discussion and on the basis of records brought before the commission the appeal is disposed with following order :-
- (a) The Appeal is partly allowed.
 - (b) The Order of FAA is set aside.
 - (c) The PIO is directed to furnish the information sought by the Appellant vide application dated 11-03-2020, within 10 days from the receipt of this order, free of cost

Proceedings stand closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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/-
Sanjay N. Dhavalikar
State Information Commissioner
Goa State Information Commission
Panaji-Goa