

6906/2023



20/06/2023

To,

The Deputy Chair Person
Cochin Port Authority
Cochin - 682009

SUBJECT: Appeal on RTI cell letter of 14/6/23, GAD/RTI CELL/1595/A/2023-S

Respected Sir,

Myself, Aneesh Mattancherry, I have sent an RTI requested to you for obtaining ID card photocopies issued by Cochin Fisheries Harbor, for this I write a letter to you on 25/03/2023. I have received a letter regarding my request stating that, ID card copies can't be given as per RTI ACT 8(1). I would like to state that the information requested is arisen out of public activity and in no way affect the sovereignty and security of India or would be an unwarranted invasion of personal information.

The proviso is meant as an acid test which must be applied before denying information claiming exemption under Section 8 (1) (j).

'Provided that the information, which cannot be denied to the Parliament or a state legislature shall not be denied to any person.'

Hence, when a public information officer (PIO), first appellate authority (FAA), information commissioner or judge invokes the exemption under Section 8 (1)(j), they must first come to the subjective conclusion that they would not provide the information to members of Parliament (MPs) and members of legislative assembly (MLAs) and record this when denying information to citizens.

As per a petition filed by me in 2014 to Hon. Chief Justice Bench, WP(C).NP 23749 of 2014(P), Hon. Bench ordered that ID cards issued are eligible for entering and working in Cochin Harbor.

The data requested would satisfy larger public interest as I am working as Kochi Area President of a Trade union which is active in Cochin fisheries Harbor as well as I am also working in Harbor and I am also holding the same ID card issued by same authority.

Hereby I would like to request you to provide me the copies as per RTI Act.

Thank You,

Aneesh Mattancherry
House No 3/524
Eraveli
Kochi 682002
PH: 8891655440

Model RTI
↓

No. RTI/GAD/2022-S

Dated: 28.07.2023

ORDER

1. An RTI Application was filed by the appellant Shri. Aneesh Mattancherry, House No.3/524, Eraveli, Kochi-682 002 (Phone-8891655440), requesting for obtaining ID card photocopies issued by Cochin Fisheries Harbour for the period 2013-15, 2015-17, which was replied to by the CPIO, GAD on 14.06.2023 denying the information citing Section 8(1)(j) of RTI Act 2005.
2. Aggrieved by the CPIO's reply, the appellant preferred an appeal before the First Appellate Authority vide his appeal dated 20.06.2023, wherein the appellant has contended that the data requested would satisfy larger public interest as he is working as Kochi area President of a Trade Union which is active in Cochin Fisheries Harbour as well as he is also working in harbour and he is holding the same ID card issued by same authority.
3. The Appellant was given opportunity of hearing on 10.07.2023 and the appellant submitted that he is representing the workers of the harbour and that the passes issued were valid only till the period of 2017 and thereafter renewal was not done. He raised apprehension that upon the modernisation of Fisheries Harbour, it may occur that only valid pass holders may be permitted to work in CFH and therefore it is necessary to know who all possess valid pass issued. The CPIO submitted that earlier passes were issued by Pass Section, CISF/CoPA and that system has now been discontinued. As such, the photocopies of passes issued by CISF are not available with CoPA
4. After hearing both sides, it is felt that the details of passes issued in CFH are not third party information and can be disclosed.

Contd.....2/-

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5. Accordingly, it is ordered that the available details as per the register maintained at CFH recording the name and address of person to whom passes were issued from 2015 can be made available for inspection to the Appellant and certified photocopies may be given on payment of the prescribed charges.

6. The Appeal is disposed off as above.

7. Second Appeal, if any, against the above decision shall lie within ninety days from the date of receipt of this communication, with the Chief Information Commissioner, whose name and address are given below:

Shri. Y.K. Sinha
Chief Information Commissioner
Room No. 401, IVth Floor, CIC Bhawan
Baba Gangnath Marg
Munirka, New Delhi – 110 067

To

Shri. Aneesh Mattancherry,
House No.3/524,
Eraveli, Kochi-682 002
(Phone-8891655440),



(Vikas Narwal, IAS)
Appellate Authority/Dy. Chairperson
Cochin Port Authority, Cochin

Copy to : Chief Mechanical Engineer & in charge of CFH, CoPA, for compliance.