

Name of State Commission : State Information Commission, Kerala
Order : AP No. 987(2)/2017/SIC Dt.18.02.2018
Subject / Issue : Share transfer certificate of a share holder
is a Protected information as per Sec.8(1)(j)
Operative section : Section 8(1)(j)

The information sought by the appellant is the copy of share transfer for (SH4) of the shares of Cochin International Airport Ltd. transferred by a share holder. It was denied by the respondent on the reason that share transfer details of a person relates to personal information which is exempted from disclosure under Sec.8(1)(j) of the RTI Act, 2005. In the report furnished to the Commission the Second Respondent stated that an individual subscribing to the share capital of a company/transferring shares held by such individual to other third parties, is solely an investment decision taken by that individual and that there is no larger public interest in disclosing such an information to a third party. It further stated that CIAL is not a company owned/controlled/substantially financed by the Government of Kerala and would not come within the purview of the RTI Act.

Held

The information sought by the Appellant is personal information relating to Shri. George Paul. Therefore, in accordance with the provisions relating to exemptions from disclosure of information under Section 8(1) (j) of the RTI Act, such information can only be disclosed if the larger public interest justifies the disclosure of such information. In this regard, the Hon'ble Supreme Court in C.A No. 9052 of 2012 has stated that statutory exemptions (in the nature of the exemptions under Section 8 of the RTI Act) are to operate "as a rule and only in exceptional cases would disclosure be permitted, that too, for reasons to be recorded demonstrating satisfaction to the test of larger public interest". The Hon'ble Supreme Court opined that "the expression 'public interest' must be viewed in its strict sense with all its exceptions so as to justify denial of a statutory exemption in terms of the Act" and "the right to information has to be balanced with the right to privacy within the framework of law".

The Appellant in the instant case has not established *bona fide* public interest in connection with the information that he has sought and therefore, the disclosure of such information would result in an unwarranted invasion of the individual's privacy, as per the provisions of Section 8(1) (j) of the RTI Act. Hence the Commission concludes that no further action is warranted in this appeal.

The Commission disposes of this appeal petition accordingly on the 18th day of February, 2018.

Sd/-
Dr. K. L. Vivekanandan
State Information Commissioner



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AP. 987 (2)/2017/SIC

(File No. 5723/SIC—G6/2017)

Present

Dr.K.L.Vivekanandan, State Information Commissioner

**Sri.John George Nechupadam,
Nechupadam, kadayiruppu P.O.,
Kolencherry,
Pin – 682311.**

Vs

Appellant

**1. The State Public Information Officer,
Cochin International Airport Ltd. (CIAL),
Cochi Airport – 683 111.**

**2. The Appellate Authority &
Additional Secretary,
Cochin International Airport Ltd. (CIAL),
Cochi Airport – 683 111.**

Respondents

ORDER

Appeal Petitioner Sri.John George Nechupadam, in his second appeal dated 20.03.2017, represented that he had given an application to the Respondent on 07.11.2016 for procuring certain information. He further stated that he was not provided with correct and accurate information by the

Respondents so far. Hence he requested the Commission to direct the Respondent to furnish complete information as sought by him.

2. The above appeal was taken on file as AP.No.987 (2)/17/SIC and the Commission conducted its hearing through video conferencing on 04.02.2019 in which the Appellant was represented through his authorized representative. The First Respondent was also present.

3. In the application submitted before the First Respondent on 07.11.2016, the Appellant sought the following information:

The copy of share transfer forms(SH4) of the Share transfers done by Shri. George Paul (Folio 21842 to Folio No.4116).

Reply to the above application was furnished by the 1st Respondent stating that the information sought by the Appellant was rejected as the share transfer details of a person relates to personal information which is exempted from disclosure under Section 8(1)(j) of the RTI Act. The Second Respondent also concurred with the decision of the First Respondent while separately remarking that the applicability of RTI Act to Cochin International Airport Ltd. is under the consideration of Hon'ble High Court of Kerala.

The Appellant approached the Hon'ble High Court stating that the Second Appeal filed by him before the State Information Commission has been pending for long and sought direction to dispose it of within a time frame. The Hon'ble High Court on 09.11.2018 disposed of the above Writ Petition directing the Commission to dispose the appeal within three months from the date of receipt of the judgement. As per the order of the Hon'ble High Court of Kerala the Commission heard this appeal petition on 04.02.2019.

4. In the report furnished to the Commission the Second Respondent stated that an individual subscribing to the share capital of a company/transferring shares held by such individual to other third parties, is solely an investment decision taken by that individual and that there is no larger public interest in disclosing such an information to a third party. It further stated that CIAL is not a company owned/controlled/substantially

financed by the Government of Kerala and would not come within the purview of the RTI Act.

5. On scrutinizing the Appeal petition and connected documents, the Commission finds that the information sought by the Appellant is personal information relating to Shri. George Paul. Therefore, in accordance with the provisions relating to exemptions from disclosure of information under Section 8(1) (j) of the RTI Act, such information can only be disclosed if the larger public interest justifies the disclosure of such information. In this regard, the Hon'ble Supreme Court in C.A No. 9052 of 2012 has stated that statutory exemptions (in the nature of the exemptions under Section 8 of the RTI Act) are to operate "as a rule and only in exceptional cases would disclosure be permitted, that too, for reasons to be recorded demonstrating satisfaction to the test of larger public interest". The Hon'ble Supreme Court opined that "the expression 'public interest' must be viewed in its strict sense with all its exceptions so as to justify denial of a statutory exemption in terms of the Act" and "the right to information has to be balanced with the right to privacy within the framework of law".

6. The Appellant in the instant case has not established *bona fide* public interest in connection with the information that he has sought and therefore, the disclosure of such information would result in an unwarranted invasion of the individual's privacy, as per the provisions of Section 8(1) (j) of the RTI Act. Hence the Commission concludes that no further action is warranted in this appeal.

7. The Commission disposes of this appeal petition accordingly on the 18th day of February, 2018.

(Sd/-)
Dr.K.L.Vivekanandan
State Information Commissioner

Auhenticated copy

Joint Secretary (Finance)
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