

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.176/SIC/2013

Shri Narhari D. Naik,
AS 13, Shivani Arcade,
Bepquegal,
Curchorem – Goa

.....Appellant

v/s

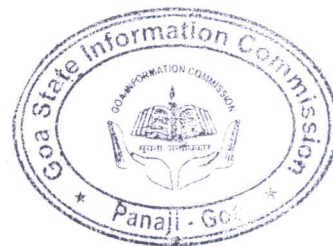
Public Information Officer,
The New Educational Institute,
Curchorem – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 13-10-2016

Date of Decision : 13-10-2016



ORDER

1. Brief facts of the case are that the Appellant had vide an application dated 13/08/2013 sought certain information under section 6(1) from the Respondent PIO, The New Educational Institute, Curchorem, Goa. The information pertains to certified copies of technical drawings, Utilization Certificate, Physical inspection and progress report and such related information including bank pass book and photocopy of constructed toilet.
2. It is the case of the Appellant that the PIO did not furnish any reply and being aggrieved the Appellant filed a First Appeal on 24/09/2011 and the First appellate authority (FAA), Director of Education vide his order dated 14/11/2014 allowed the appeal directing the PIO to provide information within 15 days.
3. It seen thereafter that the PIO of the Public authority vide letter No.NET/RTI 2013-14/621 dated 05/12/2013 informed the Appellant that a thorough search was conducted of all the available files in her custody and it is observed that information at points from No. 1 to 7 is not in the custody of the PIO. Not being satisfied with the reply, the Appellant has filed a Second Appeal before this Commission on 30/12/2013.

4. During the hearing the Appellant Shri Narhari D. Naik is present in person. The Respondent PIO is represented by Adv. Atish Mandrekar is also present in person.
5. The Appellant submits state that pursuant to the order of FAA the reply given by the PIO that information is not available is false and that the information is concealed to save the management who have misappropriated the funds given by the government for development of infrastructure from being prosecuted. The Appellant however agrees that an FIR has been filed, but states that the FIR does not make any mention of the missing file which had all the necessary information and which purposely has been reported stolen.
6. Per contra the Advocate for the PIO submits that the said information was lost and all efforts to trace the missing records have been in vain. It is further submitted that the information was misplaced/stolen from the cupboard during the tenure of Head Master Shri Shantanand V. S. Katak and that the missing records was dully reported to the Curcholem Police Station on 05/04/2008 and FIR No 202/2008 lodged.
7. The Adv for PIO finally submits that the said file which was stolen was reported to the police in year 2008 much before the Appellant could even file his RTI application and that all facts including an RTI application filed by the PIO on 27/11/2013 seeking a copy of the FIR from police and letter of the police bearing No. SDPO/QPM/RTI-F/3883 dated 23/12/2013 have been furnished before the Commission and that there is no malafide on the part of the PIO not to disclose any information or conceal any facts as an FIR was already lodged.
8. The Commission has perused the material on record and has carefully gone through the submission made by both Appellant and the Advocate for the Respondent. The point for determination is whether the information sought could not be furnished due to the records having been stolen? and whether there is any malifide intention on part of the PIO to deliberately conceal information.



9. It is clear that the case of missing records stolen from the cupboard during the tenure that Head Master Shri Shantanand V. S. Kantak were dully reported to the Curchorem Police Station on 05/04/2008 and an FIR No 202/2008 lodged and which incident has taken place much before the appellant could even file his RTI application and this proves that PIO has not deliberately attempted to conceal or deny information.


10. Also there is numerous exchange of correspondence on record of the commission namely letter No.NET/RTI 2013-14/621 dated 05/12/2013 narrating the correct facts and letter from the police authorities bearing No. SDPO/QPM/RTI-F/3883 dated 23/12/2013 which also prove that there is no malafide on part of the PIO not to disclose information.



11. As stipulated in the RTI Act the role of the PIO is to provide information as is available, what is available and if available, regrettably the PIO cannot procure information to satisfy the whims and fancies of the Appellant, besides it is not a case where the PIO has denied or deliberately withheld the information. Also a thorough search of for the records was done and that despite best efforts the said information was not available.

12. The Commission comes to the conclusion that the PIO has not faulted in anyway and that the information was indeed not available as the said records were stolen and which matter has been reported to the police.
Nothing survives in the appeal case and the same accordingly stands disposed.

All proceedings in Appeal case stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.


Under Secretary cum Registrar
Goa State Information Commission


(Juino De Souza)
State Information Commissioner