

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

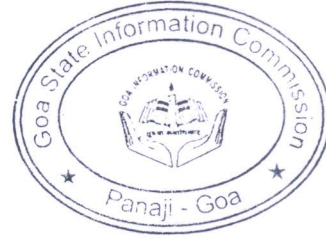
Complaint No:121/SIC/2012 | 677

Vishal Naik,
H. No.128/1, Rua De Maria,
Sancoale, Cortalim, Goa-403 710

..... **Complainant**

v/s

1. Public Information Officer,
Under Secretary (GA)-I
Secretariat, Porvorim-Goa.
2. First Appellate Authority,
Joint Secretary (GA),
Secretariat, Porvorim-Goa.



Relevant emerging dates:

Date of Hearing : 25-08-2016
Date of Decision : 25-08-2016

ORDER

1. Brief facts of the Case are that the Complainant vide an application dated 05/12/2011 addressed to the PIO, O/o Governor of Goa, Raj Bhavan, Dona Paula, Panaji sought certain information u/s 6(1) in respect of 19 items more particularly set out in his said application therein. The information sought is voluminous and pertains to suspension of Goa Govt Employees and such related information.
2. It is seen that the Complainant presented the said application to the Department of Post, Panaji HO and the Senior Post Master of Panaji HO, transferred the said application to the P.I.O. Office of the Governor of Goa, which was received by the said P.I.O. on 12/02/2011. Thereafter the special Secretary to the Governor, vide letter No.GS/RTI/44/2011/2778 dated 12/12/2011 transferred the said application to the Chief Secretary, Secretariat, Porvorim-Goa, for necessary action. ...2

3. It is the case of the Complainant that information was provided by one Public Authority i.e the Public Health Department and that the other departments did not furnish any information as the said RTI application was not transferred to them by the Respondent No 1, PIO. The Complainant therefore not being satisfied filed a First Appeal on 02/04/2012 and as no order was passed by the First Appellate Authority (FAA) and being aggrieved has filed a Complaint before the commission on 07/08/2012 praying that directions be issued to Respondent No. 1 to transfer the RTI application to all government departments and to impose fine and other such reliefs.
4. During the hearing the Complainant Shri Vishal Naik is absent despite advance notice issued by RPAD without intimation to this Commission. The Respondent PIO is represented by Adv. K.L. Bhagat along with Smt. Vishranti Borkar Assistant is present in person.
5. The Advocate for the respondent PIO submits that the in the RTI Application the points 11,12,13,14,17,18,and 19 pertained to Public Health Department and as the Complainant had specifically mentioned 'Health Department' therefore the P.I.O (GA-I), transferred the RTI application to the Under Secretary (Health), Public Health Department, Secretariat, Porvorim, Goa for necessary action and that the said PIO supplied the information which the Complainant has admitted as having received.
6. It is further contended that as the Complainant had not mentioned the names of the other respective Departments, therefore the P.I.O (GA-I) could neither supply the information nor transfer the said request to other Departments and as such the PIO has not faulted in any way.



7. It is also submitted that details of suspended employees are maintained by the concerned Departments and not by the General Administration Department of the Secretariat and therefore the Complainant ought to have submitted his request for the said information to the concerned PIO's separately.
8. The learned Advocate vehemently argues that the Complainant has not been refused access to any information requested under this Act and that he has been given response to a request for information within the specific time limit, besides it is not the case where the complainant has been given incomplete, misleading or false information and as such the Complaint case is not maintainable.
9. The Commission has perused the material on record including the Complaint memo, RTI application, reply of the PIO dated 16/06/2016 as well as carefully gone through the submissions tendered before this commission. The point for determination is whether the case of the complainant in the first place qualifies on merits to be entertained as a Complaint case?
10. It is observed that the Complainant addressed the RTI application dated 05/12/2011 directly to the PIO, Office of Governor and that too through the Panaji Post Office although the information sought was not held by the said office. Nevertheless the application was transferred to the office of the Chief Secretary and finally information was provided on points 11,12,13,14,17,18,and 19 by the PIO, Public Health Department.
11. Further information on other points involved several different public authorities and the Commission is of the opinion that it was the bounden duty of the RTI applicant who is the Complainant herein to have filed specific application with respective P.I.O's where information is held.



12. It is not the job of the PIO to break-up, analyze, separate and segregate the information to satisfy the whims and fancies of the Complainant and keep transferring the same in bits and pieces to various other departments. It is also not a case where the Respondent PIO has been denied or refused information, besides the case also does not fall within the ambit of transfer u/s 6(3).
13. The commission agrees with the submissions made by the learned Advocate on behalf of the Respondent No 1 that the Complainant could have very well filed separate RTI applications with the respective Public Authorities where the information is held and that it is not proper for the Complainant to file an RTI application with the PIO of one Department and expect him to obtain and furnish information from all other Government Departments.
14. The Act requires the supply of such information only which already exists and is held by the Public Authority or held under the control of the Public Authority. It is beyond the scope of the Act for a Public Authority to create or supply information which is not held by it. Collection of information, parts of which are available with different Public Authorities, would amount to creation of information which a Public Authority under the Act is not required to do.
15. At the same time, since the information is not related to any one particular Public Authority, it is not the case where application should be transferred under sub-section (3) of Section 6 of the Act. It is pertinent to note that sub-section (3) refers to "ANOTHER PUBLIC AUTHORITY" and not "OTHER PUBLIC AUTHORITY". Also the Complainant also has not specifically sought the information in respect of the Department of General Administration, therefore the same could be supplied to the Complainant.



16. The Commission comes to the conclusion that there is no fault with the PIO (GA-I) who has rightly transferred the RTI application to the PIO, Public Health Dept in view that the RTI applicant had mentioned 'Health Department' and who has furnished information to the Complainant. The Complaint is devoid of any merit and accordingly the prayer of the complainant for issuing directions to Respondent No 1 to transfer the RTI application dated 05/12/2012 to other Government departments is not granted.

With these observations the Complaint case stands disposed.

All proceedings in complaint case also 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 **State Information Commissioner**

sdt
(Juino De Souza)