

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Complaint No. 107/SCIC/2010

Shri Kashinath Shetye,
Bambino Building, Alto-Fondvem,
Ribandar, Tiswadi – Goa.

..... Complainant.

V/s.

Public Information Officer,
Dy. Director Finger Print Breau,
Porvorim - Goa.

..... Opponent/Respondent.

Complainant absent

Dy. S.P Shri P. L. Mapari, representative of the Opponent in person.

ORDER
(09-07-2010)

1. The Complainant, Shri Kashinath Shetye, has filed this Complaint praying that information as requested by the Complainant be furnished to him correctly free of cost as per section 7(6) and as per circular and the annexure I to V; that penalty be imposed on P.I.O. as per law for denying the information to the Complainant; that compensation be granted and that inspection of documents be allowed.

2. The gist of Complainant's case is as under: -

That the Complainant had filed an application dated 14/1/2010 under Right to Information Act, 2005 ('RTI' Act for short) thereby requesting the Public Information Officer, Department of Information Technology to issue information specified therein, which was transferred as per section 6(3) of the RTI Act to the Opponent. That the Public Information Officer ('P.I.O')/Opponent failed to furnish the required information as per the application of the Complainant and that no inspection of information was allowed. Considering the said non-action on behalf of Opponent of the RTI Act the Complainant preferred this Complaint on the grounds as set out in the Complaint.

...2/-

3. The Opponent did not file any reply as such, however Dy.S. P. Shri P. L. Mapari advanced the arguments.

4. Heard the representative of the Complainant as well as representative of the Opponent and perused the records. It is seen that the Complainant has sought certain information from the Public Information Officer Department of Information and Technology. By letter dated 25/01/2010 the PIO Department of Information and Technology transferred the said application under section 6(3) in respect of point No. 3 at Sr. No.3 so as to give suitable reply to the Opponent herein. It is seen that by letter dated 08/02/2010, the Opponent sent 3 pages i.e. the certified copies of File Movement Register from the year 2009 pertaining to Finger Print Bureau, Porvorim. I have seen the said Copies. However, they are as per old format and not in five annexures. In other words the File Movement Index as per circular 09/06/2009 is not maintained by the Opponent. This reply is sent in time i.e. within 30 days from the reply. It cannot be said that Opponent failed to furnish the information. It is to be noted here that the Opponent has furnished the information which was available with them. To be noted further as per the scheme of the Right to Information Act non-existent information could not be physically given.

5. The main contention of the Complainant is that no information is furnished to him. From the said letter and oral argument of the Opponent it becomes clear that the FMI in five annexures is not maintained. Therefore the contention that no information is furnished is not correct. Whatever information has available as been furnished. In this back ground the present complaint is not maintainable. However I need not touch to this aspect. As the Opponent, during the course of the argument submitted that they will maintain the FMI as per the new circular and in five annexures.

6. Regarding, prayers in the Complaint, Prayer one could not be granted in view of above, there is no delay, therefore, the question of penalty does not arise. So also the question of granting compensation does not arise.

7. In view of all the above, the following order is passed:

The Opponent to follow the said circular dated 9/06/2010 and maintain the file Movement Index as per the same and in five annexure i.e. I to V.

No further intervention of this Commission is required.

Complaint is accordingly disposed off.

Pronounced in this Commission on this 9th day of July, 2010.

Sd/-
(M.S. Keny)
State Chief Information Commissioner

