

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 35/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Goa College of Art,
Altinho, Panaji - Goa.

..... Opponent/Respondent.

Complainant absent. Ms. Sonia Satardekar, representative of Complainant present.

Opponent in person.

ORDER
(06-07-2010)

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

...2/-

inspection of information was allowed. Considering the said non-action on behalf of Opponent No. 1 of the RTI Act the Complainant preferred this Complaint on the grounds as set out in the Complaint.

3. The Opponent resists the Complaint and the say is on record. In short it is the case of the Opponent t that ground (a) to (f) are not true and not available to the Complainant. That by reply dated 05/02/2010 the certified copy of the File movement Register has been furnished to the Complainant. According to the Opponent, Complaint is liable to be rejected.

4. Heard both sides and perused the records. It is not in dispute that Complainant filed the application. It is also not in dispute that the application was transferred to the Opponent under section 6(3) in respect of point 3 at Sr. No.3. It is seen that by letter dated 05/02/2010 certified copy of file Movement Register has been furnished to the Complainant. It is to be noted here that as per Right to Information Act whatever information is available is to be furnished. The Act does not provide for furnishing non-existent information.

5. It is the contention of the Opponent that they maintained File Movement Register as per the old system and of late, they have started maintaining the same as per the circular in five annexures. The Opponent also states that they are prepared to furnish the said information in five annexures. In view of these submissions I need not refer to other aspect like maintainability etc.

6. Since the reply is in time the question of penalty does not arise and also section 7(6) is not attracted. So also the question of compensation does not arise.

7. In view of above, I pass the following order:-

"The Opponent is directed to furnish the information sought by the Complainant, as per his application dated 14/10/2010 at point No. 3 (Sr. No. 3) as per the said circular dated 09/06/2009 and in five annexure i.e. I to V within 30 days from the date of receipt of this order.

The Opponent to intimate the Complainant and the Complainant on his part to receive the same after complying the required formalities. Inspection, if any, be given on a mutually agreed date.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 6th day of July, 2010.

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

