

# GOA STATE INFORMATION COMMISSION

## AT PANAJI

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

Complaint No. 42/SCIC/2010

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

... Complainant

V/s.

Public Information Officer,  
Directorate of Museums,  
EDC Complex, Patto,  
Panjim-Goa

... Opponent.

Ms. S. Satardekar, representative of the Complainant.

Opponent in person.

Adv. Smt. N.Narvekar for the Opponent.

### ORDER

(08.07.2010)

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 No. 1 of the RTI Act the Complainant preferred this Complaint on the grounds as set out in the Complaint.

...2/-

3. The Opponent resists the application and their say is on record. It is the case of the Opponent that the Public Information Officer, Department of Information Technology had transferred the application of the Complainant and had specifically mentioned about Sr. No. 3 of the application and the reply to be furnished to the Complainant by the concerned Department under intimation to them, i.e. Department of Information Technology. That the Opponent as per section 7(1) of the RTI Act furnished the information vide letter dated 01.02.2010 to the Public Information Officer-Information Technology and copy of the said letter was endorsed to the Complainant. It is also the case of the Opponent that there has been no willful omission to supply information nor was there any failure to act in terms of letter of Public Information Officer – Information Technology. According to the Opponent the Complaint is liable to be dismissed.

4. Heard both sides and perused the records.

It is not in dispute that the Complainant filed the application. It is also not in dispute that the application was transferred to this Opponent under section 6(3) in respect of point at Sr. No. 3. It is seen that by letter dated 01.02.2010<sup>1</sup> the requisite information in one annexure has been furnished to the Complainant. It is to be noted here that under RTI Act the information available with the Public Information Officer is to be furnished. There is no obligation on the Public Information Officer to furnish non-existent information. Whatever information was available has been furnished to the Complainant.

5. Ground (a) and (b) in fact are not attracted as whatever available information was furnished. It is also not correct that information was not furnished. Looking at the factual matrix of this case the Complaint is premature and not maintainable. However, I do not wish to touch this aspect as Opponent offered to furnish the information.

6. The reply appears to be in time so the question of penalty does not arise. Since reply is in time, section 7(c) is not attracted. So also the question of compensation does not arise.

7. In view of all the above, I pass the following Order:

**ORDER**

The Opponent is directed to furnish the information sought by the Complainant vide his application dated 14.01.2010 at point 3 (Sr. No. 3) as per Circular dated 09.06.2009 and in five annexures – I to V within thirty days from the date of receipt of this Order.

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

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 08<sup>th</sup> day of July, 2010.

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