

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Complaint No. 227/SCIC/2010**

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

..... Complainant.

V/s.

Public Information Officer,  
Commandant General Homeguard &  
Director, Civil Defence  
Panaji - Goa.

..... Opponent/Respondent.

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

Adv. K. L. Bhagat for Opponent present.

## **ORDER** **(16-07-2010)**

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 Complaint and their say is on record. It is the case of the Opponent that the present Complaint does not fall within the ambit of section 13 of the Right to Information Act and hence ought to be dismissed. That the Complaint is premature as the Complainant has not taken recourse of approaching the First Appellate Authority and on this ground also the Complaint needs to be dismissed. That the present case also does not fall within the ambit of transfer under section 6(3) as the Complainant cannot make an application to the Public Information Officer of one department and request him to furnish the information pertaining to information or documents of other Government Departments. That it is not proper to file application to the Public Information Officer of one Department making request to furnish information to other departments. On merits it is the case of the Opponent that PIO Information Technology vide his letter dated 25/01/2010 transferred the request of the item at Sr. No. 3 under the provisions of section 6(3) (ii) of Right to Information Act 2005 to the Opponent herein. That the Opponent, vide his letter dated 23/02/2010 requested the Complainant to inform the period of which the said certified copies of the File Movement Index is required, however, the Complainant has failed and/or neglected to inform the said period to the Opponent and in this circumstances information could not be furnished to the Complainant for which the Complainant himself is responsible. That the same was done within a period of thirty days. That the grounds mentioned in the Complaint are not at all attracted. According to the Opponent the Complaint is liable to be dismissed.

4. Heard the arguments of both sides and perused the records. it is not in dispute that the Complainant filed an application seeking certain information. It is also not in dispute that application was transferred under section 6(3) to this Opponent. It is seen that by letter dated 23/02/2010 the Opponent sought certain clarification as to the period for which the said certified copy of file movement

index mentioned at Sr. No. 3. However the Complainant did not inform anything. Instead he filed the Complaint. This letter appears to be in time. The Complainant ought to have clarified the point so that he could get the information he wanted. Since the complainant did not clarify or inform in terms of the said letter he cannot attribute non-action on the part of the Opponent.

5. Adv. Shri K. L. Bhagat for Opponent contends that the complaint is untenable in law and the same is premature. I do agree with this contention. However I need not refer to this aspect in view of the submission of the Opponent to which I shall refer hereafter.

6. Adv. Shri Bhagat for Opponent submits that they maintained File Movement Index and showed the same in five annexures. Adv. for the Opponent as well as opponent submit that he is ready to furnish the said information in five annexures.

7. In view of the factual backdrop of this case there is no delay on the part of the Opponent and as such section 7(6) is not attracted. Since there is no delay the question of penalty does not arise. So also the compensation.

8. Since information is maintained as per the circular of the Chief secretary the Complainant can avail of the same after paying the necessary charges. Complainant on his part to inform the Opponent about the period for which the information is required.

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

"The Opponent is directed to furnish the said information as per the application of the Complainant in respect of point at Sr. No. 3 as per the said circular dated 09/06/2009 and in five annexures i.e. I to V within 30 days from the receipt of the order.

...4/-

The Opponent to intimate the Complainant, the Complainant to inform about the period for which the information is required and thereafter collect the same after paying the required charges.

Inspection, if any, can be given on a mutually agreed date.

The Complaint is accordingly disposed off.”

Pronounced in the Commission on this 16<sup>th</sup> day of July, 2010.

(M.S. Keny)  
State Chief Information Commissioner

