

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 146/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Supdt. of Police (ANC),
Panaji - Goa.

..... Opponent/Respondent.

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

Adv. K. L. Bhagat, for the Opponent in person.

ORDER **(02-08-2010)**

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.

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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 18 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 Department. On merits it is the case of the Opponent the Public Information Officer Information Technology vide his letter dated 25/01/2010 transferred the request of the said item No.3 under the provision of section 6(3) (ii) of the Right to Information Act 2005 to the Opponent herein. That the Opponent vide his letter dated 17/02/2010 informed the Complainant that as per notification No.DI/RTI/Bill/PT/05/7867 dated 31/01/2009 of Director of Information and Publicity, Government of Goa, Panaji, Goa, Anti Narcotic Cell of Goa Police Department is specified under Sub-Section(4) of Section 24 of the R.T.I Act 2005, as such the Information could not be furnished. In short R.T.I Act is not applicable to the Opponent and that the Complainant has no ground whatsoever to file such Complaint against the Opponent.

4. Heard the arguments and perused the records. It is seen that the Complainant sought certain information from the Public Information

Officer Department of information Technology by letter dated 25/01/2010 the Public Information Officer Department of Technology transferred the application under section 6(3) in respect of point at Sr. No. 3 so as to give suitable reply to the Opponent herein. It is seen by letter dated 17/02/2010 the Opponent informed the Complainant that in view of Government notification their department is specified under section 24(4) of Right to Information Act and that Information could not be given. Considering the letter and reply, the reply is in time. From the reply it cannot be said that the opponent failed to furnish information.

5. Adv. Shri. K.L. Bhagat for the 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. K. L. Bhagat for the Opponent submits that they will maintain File Movement Index as per the said circular and in five annexures. He also submitted that Opponent is ready to furnish the said information in five annexures.

7. As observed above there is no delay as such on the part of 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. In view of all the above and submission of Adv. K. L. Bhagat for the Opponent I pass the following order.

O R D E R

The Opponent to follow the said circular dated 09/06/2009 and to maintain the File Movement Index in five annexures I to V as per the said Circular. No further intervention of this Commission is required, the Complaint is disposed off.

Pronounced in the Commission of this 2nd day of August,2010.

Sd/-
(M.S. Keny)
Chief Information Officer

