

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 43/SCIC/2010

Shri Kashinath Shetye,
R/o. Bambino Building,
Alto Fondvem, Ribandar
Tiswadi – Goa

..... Complainant.

V/s.

Public Information Officer,
Department of Animal Husbandry &
Veterinary Services,
Patto,
Panaji - Goa.

..... Opponent/Respondent.

Ms. Sonia Satardekar, representative of the Complainant.
Opponent in person.

ORDER
(30-08-2010)

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 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 Opponent received the application under section 6(3) vide letter dated 25.01.2010 from the Public Information Officer, Department of Information Technology with a request to give a suitable reply to the Sr. No. 3 of the application of the Complainant. That the said transfer is not valid. Further, by letter dated 03.02.2010 the Complainant was informed that certified copy was sent and he was requested to collect the same on payment of Rs. 2/- per copy. That the Complainant did not show any response. It is also the case of the Opponent that Complainant has never sought for any inspection. That the Opponent was ready to furnish the available information but the Complainant did not collect the same. It is further the case of the Opponent that Complaint is not maintainable u/s. 18 of the RTI Act.

4. Heard the representative of the Complainant and the Opponent in person and perused the records.

It is seen that the Complainant has sought certain information from the Public Information Officer, Department of Information Technology. By letter dated 25.01.2010 the Public Information Officer, Department of Information Technology transferred the application u/s. 6(3) in respect of point at Sr. No. 3 so as to give suitable reply, to the Opponent herein. It is seen that by letter dated 03.02.2010 the Opponent informed the Complainant about the information and also requested to collect the same on payment of Rs. 2/- per copy. It appears that the Complainant did not collect the same nor paid the amount.

5. The main contention of the Complainant in the Complaint is that the information sought by him is implicitly not furnished to the Complainant and that the information has five annexures which has not been enclosed. From the said letter dated 03.02.2010 it appears that the information existing with the Opponent was

offered to be furnished. In any case the Complainant did not collect the same. Therefore, it would not be proper to say that information is not furnished. It is to be noted here that Opponent is obligated to furnish whatever information existing with the Opponent. Nonexistent information cannot be furnished.

In this factual backdrop this Complaint is not maintainable. However, I would not refer to this aspect much.

6. I have perused the said Circular dated 09.06.2009 copy of which is on record. The same aims at speedy disposal of files and curtails delays and to some extent shows accountability. In any case there is no harm if this is implemented by the office of the Opponent herein.

7. During the course of the arguments Opponent submits that they would maintain the said File Movement Index as per the Circular of Chief Secretary and in five annexures.

8. Regarding prayers in the Complaint. There is no delay as such section 7(6) is not attracted. The question of penalty as well as compensation does not arise as there is no delay. In view of all the above, the following Order is passed:

ORDER

The Opponent to follow the said Circular dated 09.06.2009 and maintain the File Movement Index as per the said circular and in five annexures I to V. No further intervention of this Commission is required. The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 30th day of August, 2010.

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