

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 136/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Superintendent of Police, (Security),
Panaji - Goa.

..... Opponent/Respondent.

Ms. Sonia Satardekar, representative of the Complainant.
Adv. K. L. Bhagat for the Opponent.

ORDER
(07-09-2010)

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.

...2/-

3. The Opponent resists the Complaint and the reply of the Opponent is on record. It is the case of Opponent that the present Complaint does not fall within the ambit of section 18 of the RTI Act and hence ought to be dismissed in limine. That the Complaint is premature as the Complainant has not taken recourse to approaching First Appellate Authority and as such liable to be dismissed. That no information is refused to the Complainant. That the present case does not fall within the ambit of transfer u/s. 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 that Complainant was aware that said information was not available with the Public Information Officer of the Department of Information Technology. That the Complainant ought to have filed fresh and specific application to the Public Information Officer/Opponent. On merits it is the case of the Opponent that Public Information Officer, Information Technology vide his letter dated 25.01.2010 transferred the request of the said item No. 3 under the provisions of section 6(3) (ii) of the RTI Act to the Opponent herein through S.P. (W.C's) H.Q., Panaji-Goa. That the Opponent vide his letter No. SP/Security/168/2010 dated 12.02.2010 addressed to the S.P. (W.C's) H.Q., Panaji and copy endorsed to the Appellant requested to inform the period for which the File Movement Index is required as it was not found mentioned in his application. The Complainant, however, failed and/or neglected to inform about the same and consequently the information could not be furnished to him for want of the said clarification. That in the circumstances the Complainant is himself responsible. It is also the case of the Opponent that no inspection was sought. That the grounds mentioned in the Complaint are not attracted. According to the Opponent the Complaint is liable to be dismissed.

4. Heard the arguments of the representative of Complainant and Adv. K. L. Bhagat and perused the records of the case.

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 under section 6(3) in respect of point at Sr. No. 3 to give the suitable reply to the Opponent herein. It is seen that by letter dated 12.02.2010 the Complainant was requested to inform the exact period/year for which certified copy of the file movement index of CID/Security Unit is required. However, it appears that the Complainant did not send any clarification. Instead filed the present Complaint.

5. During the course of his arguments Adv. Shri Bhagat submits that there is no order as such and that Complaint is not maintainable.

I do agree with this contention. There is no refusal to give information. The Public Information Officer has sought certain clarifications regarding prayer. From the letter dated 12.02.2010 the Opponent is willing to give information but the only thing the Opponent want to know about period, i.e. the period for which File Movement index is required. To my mind the Complainant can very well clarify about the period.

6. In view of the above the Complainant to inform the period for which the File Movement Index is required within ten days from the receipt of the Order. The Opponent thereafter to furnish the required information as sought by the Complainant within twenty days from the receipt of clarification from the

Complainant. Hence, the order:

O R D E R

In view of the above, no further intervention by this Commission is required.

The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 07th day of September, 2010.

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

GSIC/Complaint No. 136/SCIC/2010
Goa State Information Commission
Shrama Shakti Bhavan, Gr. Floor,
Patto Plaza, Panaji-Goa

07.09.2010

To,

- 1) Shri Kashinath Shetye,
R/o. Bambino Building.
Alto Fondvem, Ribandar
Tiswadi – Goa
- 2) Public Information Officer,
Superintendent of Police, (Security),
Panaji - Goa.

Sub: Complaint No. 136/SCIC/2010.

Sir,

I am directed to forward herewith copy of the Order dated 07th September, 2010 passed by the Commission in the above referred Complaint for your information and necessary action.

Yours faithfully,

(Meena H. Naik Goltekar)
Under Secretary-cum-Registrar

Encl: As above.