

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.305/SCIC/2010

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

... Complainant

V/s

The Public Information Officer,
Superintendent of Police,
Foreigners Registration Office,
Panaji – Goa.

... Opponent

Ms. S. Satardekar, representative of the Complainant.
Adv. K. L. Bhagat for the Opponent alongwith Ms. Maria Monserate,
representative of the Opponent.

O R D E R
(23.09.2010)

1. The Complainant, Shri Kashinath Shetye, has filed this Complaint praying that the information as requested by the Complainant be furnished to him correctly, free of cost as per section 7 (6) and as per the circular and the annexure I to V, that the penalty be imposed on the Public Information Officer as per law; that compensation be granted and inspection be allowed as per rules.

2. The brief facts leading to the present Complaint are as under:-

That the Complainant had filed an application dated 14/01/2010 under Right to Information Act 2005(‘RTI’ Act for short) thereby requesting the Public Information Officer (‘PIO’) Department of Information and Technology to issue information specified therein, which was transferred as per section 6 (3) of the RTI Act to the Opponent. That the PIO/Opponent No. 1 failed to furnish the required information as per the application of the Complainant and that no inspection was allowed. Being aggrieved the Complainant filed the Complaint on the grounds as set out in the Complaint.

...2/-

3. Opponent resists the Complaint and their reply is on record. It is the case of the Opponent that the present complaint does not come within the ambit of section 18 of the Right to Information Act and ought to be dismissed. That the Complaint is premature. That no First Appeal is preferred. That no complaint lies as information is not refused and no misleading information has been given. That no application under section 6(3) lies and that application ought to have been filed separately and not to one Public Information Officer. On merits it is the case of the Opponent that they received the application dated 14/01/2010 under section 6(3) to furnish information to point No.3 to the Complainant. By letter dated 09/03/2010 the Opponent requested the Complainant to inform the details of the file for which the certified copies of the File Movement Index mentioned at Sr. No. 3 pertaining to CID, Foreigners Branch, Panaji is required. However the Complainant has failed and neglected to inform the said details to the Opponent. That in the circumstances the information could not be furnished to the complainant for which complainant himself is responsible. It is the case of the Opponent that the Opponent within a period of 30 days after the receipt of the said letter of Information Technology, Panaji. through S.P., Head Quarters requested the Complainant the said details. That the grounds mentioned in Complaint are not attracted. That the Complainant has filed the present Complaint without any valid grounds and as such the same is liable to be dismissed.

4. I have carefully gone through the records of the case and also considered the arguments advanced. The point that arises for my consideration is whether the relief prayed is to be granted or not?

It is seen that the Complainant had sought certain information from the Public Information Officer, Department of Information Technology. By letter

...3/-

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 so as to give the suitable reply to the Opponent herein. It is seen that by letter dated 09.03.2010 the Opponent requested the Complainant to inform the details of the file for which the certified copy of File Movement Index mentioned at Sr. No. 3 pertaining to C.I.D. Foreigners Branch, Panaji, is required. It is seen that Application of the Complainant was transferred to Superintendent of Police Headquarters and the Opponent received the same on 05.02.2010. The reply was sent on 09.03.2010, however, it appears that Complainant did not inform anything. It is to be noted here that the citizen is entitled only the information, which is available with the Public Authority in material form. In other words what is available is to be furnished.

5. It is the contention of the Complainant in the Complaint that Order passed is against the R.T.I. Act and that no information is furnished.

It is to be noted here that Opponent sought certain clarifications, which the Complainant did not furnish. Therefore, it cannot be said as denial of information.

6. In my view the Complainant ought to have received the information so as to see whether the same is as per Circular of Chief Secretary.

7. Regarding maintainability of the Complaint, I do agree with Adv. Bhagat. I do agree that Complaint is premature. However, I need not touch this aspect. The Complainant must be allowed to get the said information.

8. In view of the above I pass the following Order:-

ORDER

The Opponent is hereby directed to furnish the information to the Complainant vide his application dated 14.01.2010 in respect of item No. 3 (Sr. No. 3 of the application) within twenty days from the receipt of this Order.

The Complainant on his part to inform the Opponent the details of the file for which certified copy of File Movement Index is required within ten days from the receipt of the Order.

The Complaint is disposed off.

Pronounced in the Commission on this 23rd day of September, 2010.

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

