

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 300/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Supdt. of Police,
Margao - Goa.

..... Opponent/Respondent.

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

Adv. K. L. Bhagat for Opponent present.

ORDER
(24-09-2010)

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 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 18 of the Right to Information Act and hence ought to be dismissed in limine. 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 Department. That the Complainant ought to have filed fresh and specific application to this Public Information Officer seeking the information of item No. 3. On merits it is the case of the opponent that the Department of Information technology vide his letter dated 25/01/2010 transferred the request of 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 04/03/2010 informed the Complainant that the required information pertaining to south Goa District was Nil. That the information was furnished as Nil and that there is no refusal of access of to any information requested by the Complainant. That the said information was furnished within 30 days. That no inspection of files was sought. That only available information is to be furnished. That the complaint filed is without any valid grounds. 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 for opponent 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 under section 6(3) in respect of point No. 3 so as to give suitable reply to the office of Suptd. of Police Head Quarters who transferred the same to the Opponent herein. That the opponent received the same on 05/02/2010. It is seen that by letter dated 04/03/2010 the opponent informed the Complainant that the required information pertaining to South Goa is Nil. In other words the File Movement Index is/was not maintained by the Opponent. This reply is sent in time i.e. within thirty days. From the reply it cannot be said that opponent failed to furnish information. It is to be noted here that non-existent information cannot physically be given. Yet the Complaint is filed.

5. The main contention of the Complainant in the complaint is that no information is furnished to him. From the said letter and reply it becomes clear that the said F.M.I is not maintained. Therefore, the question of furnishing the information does not arise.

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

6. I have perused the said circular dated 09/06/2009 of the Chief Secretary copy of which is on record. The same aims at speedy disposal of file 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. Adv. for the Opponent submits that the Opponent would maintain the F.M.I. as per the said circular of the Chief Secretary.

7. Coming to the prayers, prayer (i) cannot be granted in view of all the above. There is no delay as such so the question of penalty does not arise. So also the question of granting compensation does not arise.

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

ORDER

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

The Complaint is disposed off accordingly.

Pronounced in the Commission on this 24th day of September, 2010.

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

