

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 143/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Town and Country Planning, Patto,
Panaji - Goa.

..... Opponent/Respondent.

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

Opponent absent.

ORDER **(04-10-2010)**

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

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

That the Complainant has filed an application dated 09/02/2010 under Right to Information Act 2005('RTI' Act for short), thereby requesting the Public Information Officer ('PIO' for short), Town and Country Planning to issue and furnish information specified therein. That the Public Information Officer, Opponent No. 1 failed to furnish the required information as per the application of the Complainant and further no inspection was allowed. That considering the non-action on behalf of the Opponent of the Right to Information Act the Complainant preferred this Complaint on the grounds as set out in the Complaint.

3. The Opponent resists the Complaint and their written statement is on record. It is the case of the Opponent that the Complainant made an application under section 6(1) of the Right to Information Act to six Public Information Officers for information and Opponent is one of the Public Information Officer. That the information was regarding 25 building listed in the application and very specific information was sought. It is the case of the Opponent that none of the information sought by the Complainant pertains to the Town and Country Planning Department role, function and domain of the department as envisaged under the provision of T&CP 1974 under which it operates. That in fact they are related to the rules and functions of other authorities, which are already, made parties. It is, further the case of the Opponent that no record of document sought of Town & Country Planning Department exists and since no record exist inspection of record sought, as information is not available. That the decision on the application was communicated to the Complainant by letter dated 09/02/2010.

4. Heard both sides and perused the records. It is seen that the application seeking information is made to six different Public Information Officers the Opponent herein is one of them. The complainant has made the application on 01/09/2010. It is seen that by letter dated 09/02/2010 the PIO/TCP Department informed the Complainant that the information sought by him in the application are not within the role, function and domain of this Public Authority and hence not available in the record of this Public Authority. The Opponent however informed in the said letter that C C of information sought as well as inspection of file is not available.

It is to be noted here that in the reply filed the Opponent also reiterate that facts. If the information is not available the Public Information Officer is not obligated to furnish the same under Right to Information. What is not available cannot be supplied.

I have perused some of the rulings Central Information Commission. As per the same, if the information is not available or if the same is non-existent than the same need not be furnished. The Public Information Officer cannot create or compile the information. Public Information Officer has to furnish only the information, which is available in the material form.

In view of above, the request of the Complainant cannot be granted. It is also to be noted here that the complainant is bound to exhaust the remedy of appeal before the First Appellate Authority.

In view of all the above no intervention of this Commission is required. Hence I pass the following order.

ORDER

No intervention of the Commission is required. The Complaint is disposed off.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 4th day of October, 2010.

(M. S. Keny)
Chief Information Officer

