

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

**Complaint No. 225/SCIC/2010**

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

..... Complainant.

V/s.

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

..... Opponent/Respondent.

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

Opponent absent His representative Dy. S.P. Shri Virnodker present.

## **ORDER** **(11-11-2010)**

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.

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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. 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 Departments. That it is not proper to file application to the Public Information Officer of one Department making request to furnish information to other departments. On merits it is the case of the Opponent that PIO Information Technology vide his letter dated 25/01/2010 transferred the request of the item at Sr. No. 3 under the provisions of section 6(3) (ii) of Right to Information Act 2005 to the Suptd. of Police (H.Q) Panaji who forwarded the same to the Opponent herein. That the Opponent, vide his letter dated 02/03/2010 informed the Complainant that the information pertaining to point No. 3 of the Complainant's application be treated as Nil with respect to coastal Security Police. That the same was done within a period of thirty days. That the grounds mentioned in the Complaint are not at all attracted. According to the Opponent the Complaint is liable to be dismissed.

4. Heard both sides and perused the records. It is not in dispute that the complainant filed an application seeking certain information. It is also not in dispute that application was transferred under section 6(3) to this Opponent. It is seen that by letter dated 02/03/2010 the opponent informed the complainant that information pertaining to point No. 3 of his application may be treated as Nil with respect of coastal security Police. In other words, the Opponent did not have the said information. It is to be noted here that under Right to Information Act the

information which is non-est could not be furnished. It is the contention of the Complainant in the complaint that the information has not been furnished. It is seen that as per the opponent's case there is no information maintained by him and as such it could not be furnished. Adv. Shri K. L. Bhagat, for the Opponent contends that complaint is not tenable in law and the same is premature I do agree with this contention. However I need not refer to this aspect much.

5. Adv. Shri Bhagat next submitted that the office of the Opponent is such that it is small and the question of maintaining any register does not arise and they do not maintain such registers.

6. Coming to the prayers in the complaint it is seen that considering the application sent to the opponent the reply is in time so the question of penalty does not arise. So also the compensation.

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

**ORDER**

Since information is not existing the intervention of this commission is not required. The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 11<sup>th</sup> day of November, 2010.

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



