

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 228/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Supt. Of Police (Crime),
Panaji - Goa.

..... Opponent/Respondent.

Complainant absent. Ms. Sonia Satardekar, representative of Complainant present.
Opponent absent. PSI Devker representative of opponent present.
Adv. Harsha Naik present

ORDER
(17-12-2010)

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 reply of the Opponent is on record. It is the case of the Opponent that Crime Branch is notified as a Police Station in terms of section 2(3) of Cr. P.C. vide notification No. 2/2/22002-HD(G) dated 17/01/2005, wherein Crime Branch registers and investigates the cases. That the application dated 14/01/2010 under Right to Information Act of the Complainant seeking information was transferred by Public Information Officer Department of Information Technology under section 6(3) of the RTI Act to SP(HQ) Panaji, who thereafter transferred the aforesaid application to the Respondent/Opponent vide No. MISC/1/RTI/1257/2010 dated 05/02/32010. That the Opponent was requested to give suitable reply in respect of point No. 3 only and not on point No. 7. That the grievance that no inspection given is not correct. That due to the nature of duty policeman cannot be equated to clerical staff of Establishment and Account section which is functioning at the Head Quarters in the office of Director General of Police . That the Crime Branch maintains station Diary in terms of section 44 of the Police Act wherein all chronological events happening in the jurisdiction are recorded. That in respect of investigation carried case diaries are maintained in terms of section 172 Cr. P.C. wherein record of investigation is mentioned. It is further the case of the opponent that file movement index is done only with respect to crimes which are sent to immediate superiors and the same is an internal procedure in case any file is sent outside the Respondent's Department, only letters are issued to that effect, however, file is maintained in the concerned office. It is also the case of the opponent that they started maintaining the File Movement Index from April 2010. Even otherwise information sought is vague and not specific as there are several files in the concerned Department. The opponent denies the case of the Complainant as set out in the complaint.

4. Heard the representative of the Complainant as well as Adv. Smt. H. Naik for the Opponent and perused the records. ...3/-

It is seen that Complainant has sought certain information from the Public Information officer, Department of Information Technology. By letter dated 25/01/2010 the PIO Department of Information Technology transferred the application under section 6(3) in respect of point No.3 to superintendent 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 as regards information sought at point No. 3 find enclosed certified copy of the document index movement of the files. Considering the request received the reply is in time. Of course what is sent is a blank form. It appears that the F.M.I. is not maintained as per the circular of the Chief Secretary dated 09/06/2009. From the reply it cannot be said that opponent failed to furnish information. It is to be noted here that whatever information available with the public Authority is to be furnished. Non-existent information cannot physically be given.

5. The main contention of the Complainant is that no information is furnished to him. Of course what is sent is a blank form. But then what is sought is certified copy of File Movement Index in your department and other department. Only point NO. 3 was referred to the opponent.

Again no first appeal is filed. Normally first Appeal ought to have been filed.

In this factual back drop 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 the same is implemented by the office of the opponent herein. Opponent in their reply state that they have started maintaining FMI from April 2010. That means the opponent is following the circular of Chief Secretary dated 09/06/2009.

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 question of granting compensation does not arise.

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

O R D E R

Opponent to follow the said circular of Chief Secretary 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 accordingly disposed off.

Pronounced in the Commission on this 17th day of December, 2010.

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

