

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 184/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,
Chief Conservator of Forest,
Gomantak Maratha Samaj,,
Panaji - Goa.

..... Opponent/Respondent.

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

The Opponent in person.

ORDER
(18-01-2011)

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. That in pursuance of the notice the opponent appeared. Though the opponent did not file any reply as such the opponent advanced arguments.

4. Heard the Complainant as well as the 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 at Sr. No. 3 so as to give a suitable reply, to the opponent herein. It is seen that by letter dated 19/02/2010 the opponent furnished the information . Regarding File Movement Index, it is reported that software is being installed. It appears that File Movement Index is not maintained as per circular. In any case available information is to be furnished which has been done .

5. The main contention of the complainant is that no information is furnished to him. From the said letter dated 19/02/2010 it cannot be said that no information is furnished. It is to be noted here that non-existent information cannot be physically given. In this factual backdrop of this case this complaint is not maintainable. However, I need 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. Opponent submits that the opponent maintains the F.M.I. as per said circular of the Chief Secretary.

7. Coming to the prayers, prayer (i) cannot be granted as the reply is in time considering the application received by opponent. Since there is no delay

the question of penalty does not arise. So also the question of compensation does not arise.

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

O R D E R

The Opponent 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 18th day of January, 2011.

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

