

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Complaint No. 57/SIC/2010**

Shri Prashant V. Tari,  
S/o. Vishwanant Tari,  
R/o. Flat No. AS-3, Dessai Residency,  
Haveli, Curti,  
Ponda – Goa

... Complainant.

V/s

Public Information Officer/  
Asst. District Educational Inspector,  
South Educational Zone,  
Margao,  
Salcete – Goa

... Opponent

Adv. B. R. Sawant for Complainant.

Opponent alongwith his representative, Shri D. Chaudiker.

**O R D E R**

(24.03.2011)

1. The Complainant, Prashant V. Chari, has filed the present Complaint praying that the Respondent may be directed to provide to the Complainant the information sought i.e. circular/rule provisions in respect of the anonymous complaints and to be precise whether anonymous complaints could be entertained and further enquiry could be conducted on the basis of the same; that penalty be imposed upon the Opponent and that cost and compensation be granted to the Complainant.

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

That the Complainant vide application dated 28.09.2009 sought certain information under the Right to Information Act, 2005 ('RTI Act' for short) from the Opponent.

That the Opponent replied to the said application by his letter dated 21.10.2009 that he is not the PIO and the application of the Complainant has been forwarded to the Director of Education, Panjim. That thereafter on 19.11.2009 the Respondent handed over to the Complainant letter dated 18.11.2009 written by Respondent to the Asst. Director of Education. That Respondent provided only part information

and also furnished uncertified copies. It is the case of the Complainant that thereafter the Complainant vide his letter dated 02.12.2009 requested the Respondent to issue all statements and documents duly certified as requested earlier and return it back at the earliest. That Accordingly the Respondent provided certified copies of the information sought on 28.09.2009. However, the same was incomplete. Being not satisfied the Complainant preferred the First Appeal and the First Appellate Authority allowed the Appeal and directed the Respondent to furnish the information within seven days. That circular in connection with anonymous complaints has not been provided. It is the case of the Complainant that there is a gross violation of RTI Act and being aggrieved the Complainant has filed the present Complaint.

3. The Opponent resists the Complaint and his reply is on record. It is the case of the Opponent that Complaint is not maintainable and secondly, the circular regarding inquiry into anonymous complaint is not traceable. On merits, it is the case of the Opponent that on receipt of the application dated 28.09.2009 he forwarded the same to Directorate of Education, Panaji and informed him that he was the Inquiring Officer into the complaint and not a PIO. That by another letter dated 13.09.2009 addressed to Asst. Director of Education he sought guidance to provide information to the Complainant. It is the case of the Opponent that at the instance of higher authorities he enquired into the Complaint of one Mrs. A. Fernandes and submitted his report to the higher authorities. That he furnished uncertified copies to the Complainant by inadvertence and further as per request of the Complainant he furnished certified copies of the same. That as per direction of First Appellate Authority he furnished required information to the Complainant except a copy of circular in connection with anonymous complaint as he could not get the same in Department of Education as well as other departments. In short, it is his case that he made necessary efforts to trace the information to provide the same to the Complainant.

4. Heard the arguments. Adv. B. R. Sawant argued on behalf of Complainant and Shri D. Chaudiker, representative of Opponent argued on behalf of Opponent. During the course of arguments Advocate for Complainant submitted that he has received full information and that only one circular regarding anonymous complaint has not been submitted. The representative of Opponent submitted that there is no such circular in existence and as such the same could not be furnished. Advocate for Complainant submitted that except circular, all information has been furnished, he is satisfied with the same and that he has no grievance of any sort.

5. It is to be noted here that circular is not in existence. Under RTI, PIO is not obligated to furnish non-existent information.

6. Since information is furnished no intervention of this Commission is required.

Hence, I pass the following Order:

### **ORDER**

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

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 24<sup>th</sup> day of March, 2011.

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