

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.8/SCIC/2012

Shri Premanand Kadam,
Post Palye
Via Arambol
Goa, North

... Complainant

V/s.

The Public Information Officer,
Mamlatdar of Pernem,
Pernem - Goa

... Opponent

Complainant present
Opponent absent.
His representative Shri S. Verekar present.

ORDER
(24/07/2012)

1. The Complainant, Shri Premanand Kadam, has filed the present complaint praying that the P.I.O. be directed to provide the information sought under R.T.I. Act and that penalty be imposed on the opponent.

2. In short it is the case of the complainant that the complainant sought certain information vide application dated 29/09/2011 under the provision of Right to Information Act, 2005('R.T.I.' Act for short) from the Public Information Officer(P.I.O.)/Opponent. That P.I.O. replied by letter dated 3/11/2011, that no such information is available in office. Being aggrieved the complainant has filed the present complaint.

3. The opponent resists the complaint and the reply of the opponent is on record. In short it is the case of the opponent that

on receipt of the application, the said information was sought from the concerned Circle Inspector by letter dated 5/10/2011. On receipt of the memorandum, the Circle Inspector has submitted his report dated 20/10/2011 that the desired information is not available in his office record as the present Managing Committee of Malac Khajan Bund have not submitted list of Managing Committee elected during academic year. That the applicant also desired to seek name of Chairman and officer bearer of Tenant Association of Malac Khajan Bund at Palye. That the office of the opponent does not have such information as the same has not been received from Malac Khajan Bund. The information regarding income and expenditure is also not available in his office and all this was submitted to the complainant by letter dated 3/11/2011..

4. Heard the complainant as well as opponent and perused the records. It is seen that by letter dated 29/9/2011 the complainant sought certain information. The information was in connection with Tenant Association members in respect of Malac Khjan Bund at Palye. By reply dated 3/11/2011 the opponent/P.I.O. furnished the information as per the same the information that is sought is not available with the opponent.

It is to be noted here that under R.T.I. the only available information is to be furnished. There is no obligation to furnish the information which is not with the Public Authority. R.T.I. Act can be invoked only to access permissible information.

5. During the course of arguments, the complainant submits that this information ought to be with the opponent. Considering the nature of the function of the opponent, opponent should see that such information is properly maintained and the records are kept properly thereby performing their statutory duties in respect of this subject matter. Besides maintaining records properly would facilitate furnishing of information under R.T.I. Hope that P.I.O. and the concerned authorities would take note of the same and ensure to maintain records properly in future.

9. In view of the above, 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 24th day of July, 2012.

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