

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 50/SCIC/2009

Capt. (Retd.) Dattaram Govind Sawant,  
LES – 140, Goa Housing Board,  
Mapusa, Bardez – Goa.

..... Complainant.

V/s.

Public Information Officer,  
Medical Superintendent,  
Goa Medical College & Hospital,  
Bambolim – Goa.

..... Respondent.

Complainant in person.

Respondent absent.

## **ORDER** **(25-01-2010)**

1. This is a Complaint filed by the Complainant, Capt. (Retd.) Dattaram Govind Sawant, praying that the information sought be provided to him.

2. The brief facts of the case are as under: - That the Complainant submitted an application addressed to the Dean of Goa Medical College under Right to Information Act, 2005 ("RTI" Act for short) requesting to furnish the details of security services being provided by G4S to GMC, Dist. Hospitals, Dental College, IPNB, Nursing Institute, T.B & CD Hospitals at Sanquelim, Valpoi, Canacona and Ponda, all Community Health Centres and Primary Health Centres of the State. That the information sought was not furnished though applicant went there many times. It is the case of the Complainant that after a long period of three months he received a copy of letter dated 9/06/2009 from the Under Secretary (Health), addressed to the Medical Superintendent, Goa Medical

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College/Public Information Officer, Bambolim, stating that the information sought by the Complainant does not pertain to his office. That the Complainant again received a letter from Under Secretary (Health) addressed to the Medical Superintendent, Goa Medical College/Public Information Officer, Bambolim directing to provide with the information sought. It is further the case of the Complainant that on receiving the copy of the above letter, again he made an application dated 30/07/2009 requesting Superintendent of Goa Medical College to furnish him with the information referring the letter of Under Secretary (Health), however, he was not provided with the information. Hence, the present Complaint.

3. In pursuance of the notice, Public Information Officer/Medical Superintendent, Goa Medical College remained present. He stated that reply has been dispatched to the party vide their letter No. GMC/MS/Misc-RTI/07-08 dated 19/08/2009.

4. I have heard the Complainant. The Respondent has relied on the letter dated 29/12/2009 alongwith annexures. The main grievance of the Complainant is that he has not been provided with the information sought by him under the RTI Act.

5. I have carefully gone through the records of the case and also considered the submissions of the Complainant.

It is seen that the Application was filed on 15/04/2009 and the same was received by Goa Medical College Authorities on 17/04/2009. From the records/correspondence it is seen that the Complainant's request was being tossed around and no serious effort was made to respond to the same within 30 days the period prescribed by RTI Act.

Ultimately the reply was sent only on 19/08/2009. It is seen that the Applicant had asked 10 queries. As per the reply, the information regarding Q. 1, 2, 3, 4, 5 and 7 is not available with this institution. The reply to the remaining queries has been furnished. According to the Complainant the information in respect of query No. 1, 2, 3, 4, 5 and 7 has been denied to him and answer to 8 and 9 is not satisfactory.

It is to be noted here that under clause 2(j) "Right to Information Act" means the right to information accessible under this Act which is held by or under control of any public authority and powers under the Act include the right to (a) inspect works, documents, records of any public authority; (b) take notes, extracts, or certified copies of documents or records; (c) take certified samples of material and (d) obtain information of print outs, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print outs where such information is stored in a computer or in any other device, It, therefore, necessarily implies that the information to which an information seeker is entitled can only be that which is available in the records of the Public Authority concerned. If the Public Authority does not hold information or the information cannot be accessed by it under section 2(f) or if the information is non-existent, the Public Authority cannot provide the same under the Act. The RTI Act does not make it obligatory on the part of the Public Authority to create information for the purposes of dissemination.

6. The Complainant feels that information has been denied to him. Respondent/Opponent is a responsible officer and as such there is no reason to disbelieve him. However, the Complainant should feel satisfied that correct information is furnished to him. In this peculiar circumstance

it the Complainant is agreeable he can have inspection of the concerned book/record/file so that his doubts are clear.

7. It would not be out of place if I mention with regard to the way the request of the Complainant was handled. The Application was dated 15/04/2009 received on 17/04/2009. As per the law it has to be disposed within 30 days. However, this has not been done. The reply is furnished only on 19/08/2009. Under RTI time is important. The Act stipulates a time limit of 30 days to provide information. From the correspondence it is seen that some time was spent on seeking information. In any case public authority has to take note of the time factor. The Complainant herein is more interested in the information than anything else i.e. penalty etc. Hope authorities concerned will dispose the application in true spirit of RTI Act.

8. In view of the above, and since part of the information is furnished no further intervention is required on the part of this Commission. However, as mentioned above in case the Complainant wants to take inspection of the concerned file he can do so. On request of the Complainant the Respondent herein to give the inspection of the said file to the Complainant within Eight days from the request of the Complainant on a fixed day convenient to both.

The Complaint is accordingly disposed off.

Pronounced on this 25<sup>th</sup> day of January, 2010.

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



