

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 113/SCIC/2010

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

..... Complainant.

V/s.

Public Information Officer,  
Goa College of Music,  
Dr. T.B. Cunha Educational Complex,  
Panaji - Goa.

..... Opponent.

Complainant present in person.

APIO Shri V. Borker for Opponent.

## **ORDER** **(04-05-2010)**

1. The Complainant, Shri Kashinath Shetye, has filed this Complaint praying that the information as requested be furnished to him correctly free of cost as per section 7(6); that penalty be imposed on Public Information Officer for denying the information to the Complainant; for compensation and that inspection be provided.

2. The case of the Complainant in short is as under: -

The Complainant has filed an application dated 14/01/2010 under Right to Information Act, 2005 ('RTI' Act for short) thereby requesting Public Information Officer (PIO), Department of Information Technology to issue information specified therein. That the said application was transferred to the Opponent under section 6(3) of RTI Act with a request to give suitable reply to point at Sr. No. 3 of the said application. That it is the case of the Complainant that the PIO failed to furnish required information and no inspection was allowed. That considering the non-action on behalf of Opponent, the Complainant preferred this Complaint on the grounds as set out in the Complaint.

...2/-

3. The Opponent resist the Complaint and their say is on record. In short it is the case of the Opponent that Complaint is not maintainable as the Complainant has not preferred Appeal before the First Appellate Authority. On merits, it is the case of the Opponent that he is the PIO of Goa College of Music and the nature of the Institution is not akin to that of other Government Department. That it is not connected with any of the public schemes which are oriented for the benefit of general public and further more there are no Gazetted Officers other than the Lecturers in the College. That the main work of this lecturers is to impart training in music and hence, there is no movement of the files wherein the lecturers have to offer their opinion. This being the factual reality, whatever reply that this institution could offer was furnished to the Complainant. Regarding inspection, it is the case of the Opponent that Complainant had never approach the Opponent. The Opponent denied grounds mentioned in the Complaint. According to the Opponent, the Complaint is to be dismissed.

4. Heard the Complainant and APIO Shri V. Borker and perused the records. It is seen that the Complainant had filed an application dated 14/1/2010 seeking certain information from the PIO, Information Technology. By letter dated 25/01/2010, the said PIO transferred the application under section 6(3) of RTI Act to the Opponent with a request to give a suitable reply to point at Sr. No. 3 of the said application. It is seen that by letter dated 10/2/2010, the PIO Shri Ulhas Velingkar of Goa College of Music informed the Complainant that there is no file movement from their college and hence, information pertaining to this office may be treated as 'Nil'.

It is seen that by letter dated 9/6/2009, the then Chief Secretary, Hauzel Haukhum had issued Circular with a view of speedy clearance of file and curtail delays, certain measures were taken and this File Movement Index (FMI) was to be introduced by all Departments as per the circular.

5. During the course of the arguments, Shri Borkar submits that from March they have started maintaining file index. Since there was no information i.e. things earlier FMI was not maintained, question of furnishing the same does not arise. But since they have started maintaining from the month of March, the same may be furnished to the Complainant. In the interest of general administration and for speedy clearance of file etc. such an approach appears to be commendable. Therefore, in my view should maintain the same as per the circular of the Chief Secretary.

6. In the factual backdrop of this case to my mind the Complaint appears to be premature. In any case, the following Order would meet the ends of justice. Hence, the Order: -

The Opponent to furnish the information in respect of file movement index from the month of March till today to the Complainant within 15 days from the date of receipt of this Order. It is desirable the Opponent henceforth maintain FMI as per the circular of the Chief Secretary referred herein.

The Complaint is disposed off.

Pronounced in the Commission on this 4<sup>th</sup> day of May, 2010.

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



