

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza State Information Commissioner

Appeal No. 21/SIC/2012

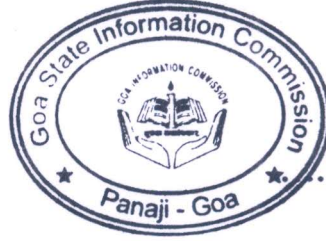
Shri. Gajendra Kalangutkar
R/o Seema Niwas, Wadachawada
Bordem, Bicholim- Goa.

v/s

..... Appellant

1. PIO/ Deputy Collector & SDO
Bicholim Sub-Division
Bicholim, Goa.

2. Additional Collector- I
North Goa District
Panaji- Goa.



..... Respondent

Relevant emerging dates:

Date of Hearing : 13-06-2016

Date of Decision : 13-06-2016

ORDER

1. The brief facts of the case are that the Appellant vide his application dated 04/07/2011 sought certain information under the Right to Information Act 2005 with respect to a demarcation in Case No. 102-2005/DEM/Bicholim. The Appellant had asked to furnish a copy of the proceedings (Roznama) and copy of the report and plan prepared by the Surveyor. It is the case of the Appellant that the Respondent PIO failed to provide any information and being aggrieved the Appellant thereafter file a First Appeal on 18/08/2011 and the FAA vide his Order dated 20/12/2011 disposed off the same.
2. It is seen that during the pendency of the First Appeal the Appellant has received a reply from the Respondent PIO on 12/10/2011 stating that the Proceedings (Roznama) is not available and also furnishing the report of the Surveyor. The FAA while dismissing the first appeal after hearing both parties has held that the said file was misplaced and that all attempts were made to supply the information to the Appellant and that although subsequently the file was traced the roznama was not part of the file and therefore could not be supplied. However being aggrieved by the FAA's Order the Appellant has filed the present Second Appeal.
3. During the hearing, the Appellant is absent despite being aware of the date of today's hearing as during the last hearing held on 27/04/2016 the Advocate of the Appellant was present. Respondent PIO Shri. Mahadev Arondekar is present in person.

4. The Respondent PIO submits that during the last hearing by consent the Advocate for the Appellant was instructed by the commission to approach the Office of the PIO and inspect the file so as to satisfy himself and that the Appellant has never turned up for the same.
5. The Respondent PIO further stated that since the file was not traceable directions were given to Awal Karkun and the dealing hand to search for the file and a memorandum was issued to the dealing hand to search for the file. The Office of the PIO tried to locate the file through the dealing hand with the help of the sub staff. However, the said file was not found earlier and as per the records the said file was sent to the Land Survey Dept. for demarcation purpose. However the Appellant objected the demarcation work and therefore the demarcation could not be carried out.
6. The Respondent PIO also submits that the said file was subsequently traced and the Appellant was furnished with all the information available in the file except the Roznama proceedings sheet which was not available. The Respondent PIO contended that the FAA also dismissed the First Appeal as the Roznama was not available even after making a thorough search.
7. On scrutiny of the file it is observed that there is a detailed reply filed by the Respondent No.1 PIO dated 13/10/2011 which clearly states that it was conveyed to the Appellant that the proceedings (Roznama) was not available and that the Appellant was also given a copy of the report drawn by the Surveyor. In the said reply it is stated that the Appellant was informed that demarcation was not carried out as the Appellant himself had objected to the said demarcation.
8. The reply of the Respondent PIO further states that another reply was filed on 23/09/2011 before the FAA explaining reasons for not furnishing information to the Appellant within time. The reply also states that the Respondent PIO vide a letter dated 15/11/2011 had written to the Director of Settlements and Land Directors requesting to submit file bearing no. 10-02-2005/DEM/Bicholim of Shri. Anant Murgudi v/s. Gajendra Kalangutkar. The reply also states that the PIO had issued directions to the concerned clerk vide Office Order dated 8/9/2014 to trace the file and the LDC had replied vide letter Dated 21/10/2014 that the file is not traceable in the office record.



9. The Respondent PIO in the said letter has also stated that considering the fact that the report was given and the fact that demarcation was never done and hence the proceeding sheet could not be given as the records are not traceable despite all efforts and as such that nothing survives in the Appeal and hence has prayed that the Appeal may be kindly dismissed.
10. As stipulated in the RTI Act the role of the PIO is to provide information as available from the records. Regrettably the PIO cannot procure information for the satisfaction of the Appellant. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. It means that the Public Information Officer is required to supply the 'material' in the form as held by the public authority, but not to do research on behalf of the citizen to deduce anything from the material and then supply it to him.
11. The PIO is not authorized to give any information which is non-existent nor can he create or analyze the information correctly as per the whims and fancies of the Appellant/ Appellant. The PIO is only called upon to supply information accurately in accordance with record available without conceding or withholding any information. It is not a case where the PIO has denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information.
12. The Commission finds no reason to interfere with the order of the FAA and comes to the conclusion that information as was available was already furnished to the Appellant and further in view that the Appellant has not turned up for inspection of the file and also the fact that since the demarcation was never done because it was objected to by the Appellant himself therefore the question of providing the Roznama copy is immaterial and has no significance.

The Appeal case accordingly stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Authenticated copies of Order be given to the parties free of cost.



Sd/-
(Juino De Souza)
State Information Commissioner