

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

CORAM: Shri Juino De Souza: State Information Commissioner

Complaint No: 22/2019/SIC-II

Shri Roldao Caetano Joao Fernandes,
H. No. 70/A, Nagoa,
Castle Waddo, Verna
Salcete - Goa.

..... Complainant

v/s

1. The Chief Electoral Officer/ PIO,
Govt. of Goa,
Altinho, Panaji – Goa.
2. The Public Information Officer,
ERO for 31 – Margao Assembly
Constituency,
Salcete, Margao Goa.
3. The Deputy Collector and SDO/PIO,
Salcete, Margao - Goa.
4. Mamlatdar in Collectorate,
South Goa District, Margao – Goa.
5. The Collector, South Goa,
Mathany Saldanha Adm. Complex,
Margao - Goa.

..... Opponents

Relevant emerging dates:

Date of Hearing : 05-08-2019

Date of Decision : 05-08-2019

ORDER

1. **Brief facts of the case** are that the Complainant vide an RTI application dated 15/12/2018 sought certain information u/s 6(1) of the RTI Act, 2005 from the Respondent PIO, O/o Chief Electoral Officer, Panaji - Goa. The information is regarding certified copy of the electoral roll in respect of Village Panchayat Majorda – Uttorda in Salcete Taluka of year of 1974-75 wherein Shri. Govind Naik's name was included in the electoral roll.
2. It is seen that the said RTI Application was transferred u/s 6(3) by the PIO, O/o, Jt Chief Electoral Officer, Goa to the PIO, ERO, for 31, Margao Assembly Constituency, Salcete – Margao Goa vide letter no. 10-1-2013/ELEC/4832 dated 20/12/2017 to provide said information.

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3. It is seen that the Complainant in the meanwhile also addressed a letter dated 23/04/2018 to the PIO, ERO, for 31, Margao Assembly Constituency, Salcete – Margao Goa.
4. It is further seen that the RTI application was thereafter transferred by the PIO, Deputy Collector & SDO, Salcette, Margao Goa vide letter no. SDO/SAL/RTI/2018/6269 dated 27/04/2018 to the PIO, Deputy Collector (LA), South Goa District ERO-28-Nuvem, Margao-Goa who again transferred the RTI application to the PIO, Collector & DEO, Election Branch, Collectorate, South Goa, Margao-Goa vide letter no 64/1/LA/ELN/RTI/2015/5460 dated 04/05/2018 as the information requested by the RTI Applicant i.e Roll for the year 1975-75 of 28-Nuvem Assembly Constituency was not available in that Office.
5. It is seen that vide letter no.79/18/2010/ELN/RTI/9101 dated 02/08/2018, the Mamlatdar in Collectorate/ APIO, South Goa District, Margao – Goa informed the Complainant that as per Part V of the Preservation and disposal of Electoral Rolls, Rule 32 of Registration of Electors Rules, 1960 the documents have to be retained until the expiration of one year after the completion of the next intensive revision of that roll. The Electoral rolls up to 2006 have been shredded out and hence the information sought is not available.
6. Not satisfied with the reply, the Complainant filed First Appeal before the Collector, South Goa District which was inwards vide inward no.23854 on 17/09/2018 and has prayed asking what steps are taken to deliver the information sought by the RTI Applicant and other reliefs. Being aggrieved that no order is passed by the First Appellate authority (FAA), the Complainant subsequently filed a Complaint case before the Commission registered on 22/03/2019 and has prayed that he should get the requested information.

7. **HEARING:** During hearing Complainant Shri Roldao Caetano Joao Fernandes, is represented by his Adv. Prakash Raiker whose vakalatnama is on record. The Respondents are absent.
8. **SUBMISSION:** At the outset the Adv. Prakash Raiker files an application for amendment to change the present case from a Complaint case to a Appeal case.
9. Adv. Prakash Raiker submits that the information sought is regarding the electoral roll in respect of Village Panchayat Majorda – Uttorda in Salcete Taluka of year 1974-75 and that the said information has not been furnished. It is also submitted that the information is required for settling a property dispute as the mundkar is falsely claiming Mundkarial rights on the ground that his name was included in electoral roll of that year i.e. 1974-75.
10. **FINDINGS:** The Commission after hearing the submissions of the Advocate Prakash Raiker and perusing the material on record finds that by letter no.79/18/2010/ELN/RTI/9101 dated 02/08/2018, the Mamlatdar in Collectorate/ APIO, South Goa District, Margao – Goa had informed the Complainant that as per Part V of the Preservation and disposal of Electoral Rolls, Rule 32 of Registration of Electors Rules, 1960 the documents have to be retained until the expiration of one year after the completion of the next intensive revision of that roll and that as such the electoral rolls up to 2006 have been shredded out and hence the information could not be provided.
11. The Commission has also perused the reply filed by the PIO, Jt Chief Electoral Officer, Goa dated 18/07/2019 wherein it has requested that Respondent No.1 be dropped in view that the said RTI Application was transferred to the PIO, ERO for 31 Margao Assembly Constituency, Salcete – Margao Goa vide letter no. 10-1-2013/ELEC/4832 dated 20/12/2017 and as such Respondent no.1 stands dropped from the present proceedings. ...4

12. The Commission further finds that in view that Electoral rolls up to 2006 have been shredded and weeded out, the certified copy of electoral roll of Village Panchayat Majorda – Uttorda in Salcete Taluka of year of 1974-75 could not be furnished.
13. **DECISION:** As stipulated in the RTI Act, the role of the PIO is to provide information as is available and if available in the records. The PIO is not called upon to create information merely to satisfy the Appellant. As each electoral roll undergoes revision from time to time and further in view of the rules and procedure as per Part V of the Preservation and disposal of Electoral Rolls, Rule 32 of Registration of Electors Rules, 1960 wherein the documents have to be retained until the expiration of one year after the completion of the next intensive revision of that roll and that the Electoral rolls up to the year 2006 have been shredded and weeded out the Commission accordingly comes to the conclusion that the information pertaining to the electoral rolls for the year 1974-75 could not be furnished.

As the said information is not available, the same could not be furnished by PIO, as such nothing further survives in the Complaint case which stands disposed.

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner