

**GOA STATE INFORMATION COMMISSION**

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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**Appeal No. 187/2020**

Shri. Nitin P. Kauthankar,  
H.No. 522, Tokhajan Mayem,  
Bicholim-Goa 403504.

.....Appellant

V/S

1. The Public Information Officer,  
Office of District Registrar North &  
Inspector General of Societies,  
4<sup>th</sup> Lift, 4<sup>th</sup> Floor,  
Junta House, Panaji-Goa.

2. The First Appellate Authority,  
State Registrar cum Head of Notary Services,  
7<sup>th</sup> Floor, Shram Shakti Bhavan,  
Patto, Panaji-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 29/10/2020**

**Decided on: 17/08/2022**

**FACTS IN BRIEF**

1. The Appellant, Shri. Nitin P. Kauthankar, r/o. H. No. 522 Tokhajan, Mayem, Bicholim-Goa by his application dated 08/05/2020 filed under section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought information on 6 points pertaining to Vijayanand Dyanprasarak Sauata, Thikajan, Mayem, Bicholim from the Public Information Officer (PIO), Office of District Registrar, North and Inspector General of Societies at Junta House, Panaji-Goa.
2. The said application was responded by the PIO on 01/06/2020, informing the Appellant that purported information not found in the record.
3. Not satisfied with the reply of the PIO, the Appellant preferred first appeal before the State Registrar-cum-Notary of Notary Services at Patto, Panaji-Goa being the First Appellate Authority (FAA).

4. The FAA by its order dated 28/07/2020, partly allowed the first appeal and directed the PIO to provide available information from the date of registration of society i.e 01/08/2014.
5. Being aggrieved and dissatisfied with the order of the FAA, the Appellant landed before the Commission by this second appeal under section 19(3) of the Act, with the prayer to direct the PIO to furnish the information and to impose penalty in terms of section 20 of the Act.
6. Parties were notified, pursuant to which the representative of the PIO, Adv. Harsha Naik appeared and shown her willingness to supply the available information. Since the Commission is more concerned with providing the information, the Commission directed the Adv. Harsha Naik to locate the information and furnish to the Appellant on next date of hearing.
7. That on the hearing dated 08/09/2021, Adv. Harsha Naik produced one letter dated 23/08/2021. Through said letter the PIO directed Shri. Rupesh N. Thanekar, Chairman, Shri. Vijayanand Dnyanprasarak Saunsta, Tikhazan, Mayem, Bicholim Goa to provide the information within eight days.
8. During the course of hearing on 07/10/2021, Adv. Harsha Niak appearing on behalf of PIO and submitted that, the PIO has received the reply from the Chairman of Shri. Vijayanand Dnyanprasarak Saunsta, Tikhazan, Mayem and the information is ready, however the Appellant need to pay the requisite fee of Rs. 600/- vide Demand Draft in the name of 'Shri. Vijayanand Dnyanprasarak Saunsta, Tikhazan, Mayem'.
9. Accordingly the Appellant by paying the requisite fee collected the information on 10/11/2021 from the PIO, however he is not satisfied with the information provided by the PIO. His grievance is

that he has sought information pertaining to Vijayanand Dnyanprasarak Saunsta from the year 2000 till date, however the information furnished to him from the year 2014 to 2021 which is incomplete information and not according to his RTI application dated 08/05/2020.

10. Adv. Harsha Naik through written synopsis dated 04/08/2022 pointed out the reply filed before the FAA on 09/07/2020 by the PIO and submitted that, old file bearing No. 07/962 dated 11/12/1962 was not available in the records of public authority as it was not renewed due to parties therein were expired. As per the directives of the High Court, the said society was registered as new society on 01/08/2014 bearing registration No. 430/Goa/2014 and therefore, information sought by the Appellant from the year 2000 to 2013 is not available in the records of public authority, hence the PIO could not provide the information. However information from the year 2014 till 2021 has been furnished.
11. On perusal of the order of FAA dated 28/07/2020, particularly the operative part of the said order is read as under:-

**"ORDER**

*Appeal filed by Shri. Nitin P. Kauthankar by application dated 29/06/2020 is hereby stands disposed with the direction to the Respondent to provide information available in the record from the time of registration of society i.e 01/08/2014.*

*Pronounced in open Court."*

12. There is one more aspect which also requires to be considered that, the PIO is not primary holder of the information. In the present case, the information sought for from the PIO is in respect of Shri. Vijayanand Dnyanprasarak Saunsta, Tikhazan,

Mayem, Goa which is a registered educational institution, which is an aided school, and governed by the provision of Goa School Education Act 1984. However its affairs are managed by the Managing Committee, therefore the PIO cannot access all the information from the said institution, but only those information which he legally oblige to access in accordance with law.

13. While considering the scope of information which can be furnished under the Act, the Hon'ble Supreme Court in the case **Central Board of Secondary Education v/s Aditya Bandopadhyay (Civil Appeal No. 6454/2011)** has observed :-

*"35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant."*

14. In a similar judgement the Patna High Court in the case **Shekhar Chandra Verma v/s State Information Commissioner (Letter Patent A. No. 1270/2009)** has held that:-

*"10. In our view, the RTI Act contemplates furnishing of information which is available on records, but it does not go so far as to require an authority to first carry out an enquiry and thereby 'create' information, which appears to be what the information seeker had required of the appellant."*

15. In the instant case, record reveals that the PIO has tried to locate information from his own office and after ascertaining that he does not holds requested information he has obtain the information from the Chairman, Shri. Vijayanand Dnyanprasarak Saunsta, Tikhazan, Mayem and available information has been furnished to the Appellant. As far as the RTI Act is concerned, it can only facilitate in providing information to the citizen in case if one seeks information which is available with the public authority in material form.

16. Considering the fact and circumstances, I find that the available information has been furnished to the Appellant and part of information being not available cannot be furnished. In view of the above I dispose the present appeal.

- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner