

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

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Appeal No. 151/2022/SCIC

Mr. Bharat L. Candolkar,
R/o. Vaddy, Candolim,
Bardez-Goa.

.....Appellant

V/S

1. The Public Information Officer,
Inspector of Survey and Land Records,
Mapusa, Bardez-Goa.

2. The First Appellate Authority,
Superintendent of Survey and Land Records,
Panaji-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 08/06/2022

Decided on: 02/03/2023

FACTS IN BRIEF

1. The Appellant, Shri. Bharat L. Candolkar, r/o. Vaddy, Candolim, Bardez-Goa vide application dated 09/03/2022 filed under the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Inspector of Survey and Land Records, Mapusa, Bardez-Goa.
2. According to the Appellant, since the said application was not responded by the PIO within stipulated time, deeming the same as refusal, he filed first appeal on 08/04/2022 before the Superintendent of Survey and Land Records being the First Appellate Authority (FAA).
3. Further according to the Appellant, during the pendency of the first appeal he received reply dated 07/04/2022 calling him to collect the information on any working day during office hours. Accordingly he collected the information on 11/04/2022 by making the payment of Rs. 196/-.

4. Since the information furnished was incorrect and not properly certified by the PIO, the Appellant landed before the Commission with this second appeal under Section 19(3) of the Act.
5. Notices were issued to the parties, to which the Appellant appeared alongwith his representative Adv. A.P.Mandrekar, the representative of the PIO, Shri. Paresh Rivankar appeared and placed on record the reply of the PIO on 18/08/2022. The representative of the FAA, Shri. Mahesh Khedekar appeared and placed on the record the reply of the FAA dated 18/08/2022.
6. During the course of arguments on 25/01/2023, Adv. A.P. Mandrekar pointed out that, though the FAA vide its order dated 13/05/2022 directed the PIO to furnish the certified copies of documents as desired by the Appellant. The PIO did not furnish him the certified or attested copies of documents and insisted for an order directing the PIO to furnish the certified copies of documents. As against this, the PIO through his reply dated 18/08/2022 submitted that, he has furnished desired information to the Appellant on 11/04/2022 and the Appellant himself made endorsement that he is satisfied with the information. However, it is noticed that, information provided by the PIO was in form of Xerox copies and the PIO is reluctant to provide him certified copies of documents.
7. At this stage it is pertinent to mention that the Department of Personnel and Training, Government of India in its office Memorandum No. 10/1/2013-IR dated 06/10/2015 has directed as under:-

"2. In addition , whenever the applicant has requested for "certified copies" of the documents or records, the CPIO should endorse on the document "True Copy of the document / record supplied under RTI Act", sign

the document with date, above a seal, containing name of the officer, CPIO and name of public authority."

8. The CIC in the case **Jai Bhagwan Jatva v/s Ministry of Home Affairs (CIC Digest (Vol. IV) 4080 (3174))** has observed as under:-

"Certified copies is an exact legal expression and cannot be used loosely as "attestation of documents" or true copy" of any document. It is noteworthy that Section 2(j) of RTI Act does not authorise an applicant to receive "attested true copies" of documents but only the extracts."

From the above observation of the order of the CIC, it is clear that, the PIO is obliged to furnish information, however he cannot adjudicate upon issue concerning the authenticity of document by "attestation of document" while furnishing the information.

9. The High Court of Kerala in the case **John Numpeli (Junior) v/s The Public Information Officer and Ors (WP (c) No. 3194/2013)** in para No. 3 of the said judgement has observed as under:-

"3.....Though section 7 of the Act does not refer to issuance of certified copies it is evident from the definition of the terms "information" and "right to information" occurring in section 2(f) and 2(j) respectively of the Act, that the Act contemplates issue of certified copies. The term "information" is defined in section 2(f) of the Act as follows:-

2(f) "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports,

papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

The definition of the term "information" includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data materials held in any electronic form etc. It also includes information relating to any private body which can be accessed by a public authority under any law for the time being in force. The term "right to information" is defined to include taking of notes, extracts or certified copies of documents or records. Section 2(j) of the Act which defines the term "right to information" reads as follows:-

"2(j) "Right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to -

(i) inspection of work, documents, records;

(ii) taking notes, extracts or certified copies of documents or records;

(iii) taking certified samples of material;

(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device." (emphasis supplied)

In the light of the provisions contained in sections 2(f) and 2(j) of the Act, the stand taken by the respondent that the Act does not contemplate issue of certified copies of documents or records cannot be sustained. Likewise I also find no merit or force in the contention of the respondents that grant of certified copies may give authenticity to the documents which may not be genuine or even fabricated. In the event of an applicant's request for information being granted all that the Public Information Officer would have to do is to certify that the copy is one issued under the Right to Information Act, 2005. He is not called upon to certify that it is a copy of a genuine document.

I accordingly allow the writ petition and direct the first respondent to issue a fresh set of documents sought for in application and to certify the copies as copies issued under the Right to Information Act, 2005."

From the above observation, it is observed that though the PIO cannot issue certified copy as genuine document, the PIO is authorised to issue the documents to certify the copies as "Issued under the RTI Act".

10. Considering the overview of the matter, I have considered the view of the PIO. The representative of the PIO, Shri. Paresh Rivankar submitted that he needs to take instructions from the PIO, therefore matter was fixed for clarification.
11. During the course of hearing on 02/03/2023, the representative of the PIO, Shri. Paresh Rivankar appeared and furnished the certified copies of documents issued under the seal "Issued under Right to Information" with the signature of the PIO, date and name of public authority. Advocate for the Appellant

submitted that he is satisfied with the information furnished by the PIO. Accordingly the matter is disposed off.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner