

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No. 25/2023/SCIC**

Mr. Edwin Herculano Peres,  
H.No. 152, Non Mon Bandar,  
Khariwada, Vasco-da-Gama,  
Goa, 403802.

.....Appellant

V/S

1. The Public Information officer,  
Inspector of Civil Supplies and Consumer Affairs,  
Vasco-da-Gama, Mormugao Taluka,  
403802.

2. First Appellate Authority (RTI Act),  
Joint Mamlatdar-I of Mormugao Taluka,  
403802.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 17/01/2023**

**Decided on: 21/07/2023**

**ORDER**

1. The Appellant, Mr. Edwin Herculano Peres r/o. H.No. 152, Non Mon Bandar, Khariwada, Vasco-da-Gama-Goa vide his application dated 26/10/2022 under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Inspector of Civil Supplies and Consumer Affairs, Vasco-da-Gama, Goa.
2. The said application was responded by the PIO on 21/11/2022 in the following manner:-

*"With reference to your application dated 26/10/2022 regarding above cited subject. The information pertaining to Point No. 1, 2 and 3 are as under:-*

*Point No. 1 – Enclosed Annexure-I.*

*Point No. 2 – The said documents are not traceable.*

*Point No. 3 – Enclosed Annexure-II."*

3. Aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Joint Mamlatdar-I, Mormugao Taluka, Vasco-da-Gama, Goa being the First Appellate Authority (FAA).
4. The FAA by its order disposed off the first appeal on 09/12/2022.
5. 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 penalty be imposed on the PIO for denying the information.
6. Notices were issued to the parties, accordingly the Appellant appeared in person on 23/02/2023, the PIO Sarita Morajkar appeared on 23/02/2023 and filed her reply. The FAA, Rosario Carvalho appeared and filed his reply on 23/02/2023 and submitted that he has already disposed off the first appeal on 09/12/2022.
7. It is the contention of the PIO through her reply dated 23/02/2023 that, vide letter No. CSD/MOR/RTI-24/2022-23/529 dated 21/11/2022, she provided information at point No. 1 and 3 to the Appellant. Further according to the PIO vide letter No. CSD/MOR/RTI-24/2022-23/564 dated 07/12/2022, she furnished information at point No. 2 in the proceeding before First Appellate Authority. She further clarified that, the Renewed Ration card was issued to the applicant against the old ration card bearing No. MOR/08/1208/VAS as the applicant has submitted "Form- C" as prescribed by the Government i.e. Application form for Renewal of Ration Card.
8. On the other hand, the Appellant submitted that, he is not satisfied with the information provided by the PIO as said documents did not prove the Nationality of Mrs. Roshani G. Halankar.

He also contended that, information contained in 'Form C' is incorrect and incomplete information.

9. It has been consistent stand of the PIO that available information has been furnished to the Appellant.
10. The PIO under the Act, is not expected to respond all the queries made in different form, he can facilitate in providing information which is available in records in any material form, if same is retrievable from the official records. The PIO cannot either confirm or deny perception of the Appellant. The role of the PIO is information provider and he cannot be treated as a creator of the information. He cannot be held responsible for the merit or accuracy of the information provided to the information seeker.
11. The Hon'ble High Court of Andhra Pradesh in the case of **Divakar S. Natarajan v/s State Information Commissioner (W.P. No. 20182/2008)** has held that:-

*"16. Before undertaking further discussion as to the legality or otherwise of the order passed by the respondents, the distinction between 'information' on the one hand and the 'reason' for existence or non-existence of a particular state of affairs on the other hand, needs to be noticed. The Act has comprehensively defined the word 'information'. It takes in its fold large variety of sources of information, including documents, emails, opinions, press release, models and data materials etc. The common feature of various categories mentioned in the definition is that they exist in one form or the other and the PIO has only to furnish the same, by way of copy or description. In contrast the reasons or basis as to why a particular state of affairs exists or does not exist cannot be treated as a sources or item of information."*

12. The High Court of Patna in case of **Shekhar Chandra Verma v/s State Information Commission (L.P.A. 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".*

13. While considering the scope of information that could be dispensed under the Act, the Hon'ble Supreme Court in the case of **Central Board of Secondary Education & another v/s Aditya Bandopadhyaya (Civil Appeal No. 6456 of 2011)** at para 35 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. Under Section 7(1) of the Act, the PIO is required to dispose the request of the applicant within 30 days. In the present case, the PIO has replied to the RTI application and furnished the information at Point No. 1 and 3 on 21/11/2022, same is within stipulated time. The PIO also furnished information at point No. 2 on 07/12/2022 during the proceeding before first appeal which includes copy of Form 'C', copy of the Ration Card and copy of Self Declaration by Mrs. Roshani G. Halankar. Considering the above, I am not inclined to impose penalty on the PIO as prayed by the Appellant.

15. Considering the facts and circumstances hereinabove and since all the available information has been furnished to the Appellant by the PIO, I hold that nothing survives in the appeal. Hence the matter is disposed off.

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

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner