

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Complaint No. 21/2023/SCIC

Diana Tavares,
Flat C-1, Shamiana Co-operative Hsg. Society,
Comba, Margao-Goa 403601.
V/s

---Complainant

The Public Information Officer,
Office of the Collector & District Magistrate,
South Goa District, Margao-Goa 403601.

---Opponent

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Complaint

Complaint received on	13/07/2023
First hearing held on	01/09/2023
Decided on	16/10/2025

Information sought and background of the Complaint

1. Diana Tavares filed a Complaint dated 13/07/2023, under RTI Act, 2005 before the Commission about the failure of the Opponent and subordinate authorities to comply with Section 4(1) (a), 4 (1) (b) ,4(1) (c), 4(2), 4(3) and 4(4) of the RTI Act, 2005 with regard to the grant of permissions for conversion of land use u/s. 32 of the Goa, Daman & Diu Land Revenue Code, 1968.
2. Highlighting the non-compliance with Section 4(1) (a) r/w 4(3) of the RTI Act, 2005, Complainant submitted in her complaint that :
 - i. *Records of application received and permission granted must be published on website.*
 - ii. *All Conversion Sanads must be available on website and published immediately after permission is granted.*
 - iii. *If the permission for change in use of land (conversion sanads) granted under Section 32 of the Goa, Daman and Diu Land Revenue Code, 1968 are not uploaded on the website of the Opponent and his subordinate authorities, Pthe provision for an appeal cannot be utilized by the citizens.*

- iv. *It is established and determined by the order of the High Court of Bombay at Goa dated 08/07/2021 in PIL WP 8 of 2021 that permissions granted by authorities, such as permissions granted for conversions of land use (conversion sanads) granted under Section 32 of Goa, Daman & Diu Land Revenue Code 1968 must be published in order to comply with Section 4 of the RTI Act.*

3. Complainant prayed that the:

- i. *Opponent and his subordinates may be directed to upload on their websites all conversion sanads within 30 days from the date of the order granting the conversion sanad and to upload all conversion sanads granted by the authority during the past 10 years on their website within 06 months.*
- ii. *Opponent and his subordinate authorities may be directed to make all the registers of applications received for conversion of land use and permission granted available on their websites to all members of the public.*

FACTS EMERGING IN COURSE OF HEARING

4. Pursuant to the filing of the Complaint, parties were notified fixing the matter for hearing on 01/09/2023 for which none present for the Complainant and the Opponent PIO was represented by Shri. Sahil Chopdekar, Field Surveyor. On the request of the Opponent PIO, matter adjourned to 10/10/2023.

5. When matter called out on 10/10/2023 none present for Complainant and Opponent PIO's representative Sahil Chopdekar placed on record the reply dated 10/10/2023 of the Opponent with a copy to the Complainant.

The reply stated that the process of change of use of land is provided under the Goa Land Revenue Code 1968. The statutory process is prescribed under the Rules, Circulars etc. and there is no provision under the Act and Rules to upload the orders on website. Moreover, the process of grant of sanad being quasi judicial in nature is

subject to review, revision and appeal before the concerned authorities. In the reply, Opponent prayed for the dismissal of the Complaint being non-maintainable and devoid of merit.

6. When the matter took up for hearing on 14/11/2023, none present for Complainant and Opponent and matter adjourned to 15/12/2023.

On 15/12/2023, Shri. Abhijit Prabhudessai, representative of the Complainant appeared and filed rejoinder dated 15/12/2023 to the Opponent's reply. None present for Opponent. Complainant in the rejoinder submitted that :

- i. Change of use of land is provided under Goa, Daman & Diu Land Revenue Code 1968.
- ii. Provision for uploading the orders on website are under Section 4 of the RTI Act, 2005 and not under the Goa, Daman & Diu Land Revenue Code 1968 or any other statute for that matter.
- iii. The right to review, revision and appeal can be exercised by the citizens only if the orders for change of land use are made available to the citizens on Opponent's website.
- iv. The order of the Hon'ble High Court of Bombay at Goa in PIL W.P. No 8 of 2021 attached to the original Complaint as Exhibit 'C' further justifies the necessity to upload the orders for change of use of land on the Opponent's website.
- v. The judgement of the Hon'ble Supreme Court in WP(C) No. 990 of 2021 dated 17/08/2023 clearly directed Central and State Information Commissions to ensure proper implementation of the mandate of Section 4 of the RTI Act, 2005.

7. In the subsequent two hearings held on 16/01/2024 and 20/02/2024, none present for Complainant and Opponent.

8. The matter was not heard from March 2024 to September 2024 as the post of SCIC and SIC remained vacant during that period.

9. Matter took up for hearing before the SCIC on 03/10/2024 for which none present for the Complainant and Opponent. Issued notices

to the parties fixing the matter on 11/11/2024. However, none for the Complainant and Opponent turned up for the hearing fixed on 11/11/2024 and 22/01/2025. Served notices to the parties for the hearing fixed for 23/09/2025.

10. Complainant's representative Shri. Abhijit Prabhudessai and Opponent PIO Mrs. Nelisha Dias (Superintendent) appeared alongwith Shri. Nilesh Damekar, Field Surveyor. Opponent filed written reply dated 23/09/2025 with an additional copy to the Complainant. In the written reply, Complainant submitted that-
 - a. Complaint filed by the Complainant is wholly misconceived, devoid of merit and beyond the jurisdiction of the Hon'ble Commission u/s. 18 of the RTI Act, 2005.
 - b. The ***Hon'ble Supreme Court in Chief Information Commissioner V/s State of Manipur (2011) 15 SEC 1*** categorically held that "*under Section 18, the Commission has no power to provide access to information which has been denied. For that purpose, the Act provides for an appeal u/s. 19*". Therefore, the Complaint is not maintainable.
 - c. The procedure for grant of Sanad is comprehensively governed by Section 32 of the Goa Land Revenue Code 1968 and the rules thereunder and nowhere there is a statutory mandate for automatic online publication of every Sanad.
 - d. In ***Union of India V/s Namit Sharma (2013) 10 SCC 359***, Hon'ble Supreme Court emphasised that the Information Commission is a statutory creation with limited powers and cannot assume functions not vested in it by the law. The nature of Sanad proceedings underscores this position.
 - e. The Hon'ble Delhi High Court in ***Registrar of Companies V/s Dharmendra Kumar Garg and Anr, WP(C) 11271/2009 (Delhi HC, 01/06/2012)*** held that the RTI Act does not oblige public authorities to create or collate information or adopt new modes of dissemination beyond what is required by law.
 - f. In ***CBSE Vs Aditya Bandopadhyay (2011) 8 SCC 497***, the Hon'ble Supreme Court held that the RTI Act given access only to "*information*

existing and available with a public authority” and does not compel authorities to create or maintain information in a particular form.

- g. The CIC in ***Complaint No. CIC/WB/C/2007/00967(9-04-2007)*** clarified that Section 8 complaints cannot be used to demand systemic reforms and that such issues must be taken up with appropriate government or legislature.

11. The matter was taken up for final argument on 16/10/2025 for which authorised representative of Complainant and Opponent present. Complainant filed a rejoinder to Opponent’s reply dated 23/09/2025 stating that:

- i. The grant of conversion sanads under Section 32 of the Goa Land Revenue Code 1968 has the highest relevance and importance for environment, economy and society of South Goa district since the grant of conversion sanad allows land use to be changed irreversibly from agriculture to other uses affecting all facts of environment.
- ii. None of the case laws relied upon by the Opponent are applicable in the present case and that the Hon'ble Commission is duty bound to comply with the directions given by the Hon'ble Supreme Court in W.P(C) No. 990 of 2021 to ensure proper implementation of Section 4 of the RTI Act, 2005.
- iii. Section 18 of the RTI Act, 2005 places a duty on the Commission to receive and inquire into a compliant in respect of any matter relating to obtaining access to records under the RTI Act.
- iv. Opponent may be directed to publish -
 - a. *List of all conversion sanads granted with Sy. Nos, Village name, taluka, area covered.*
 - b. *Copies of every conversion sanad, date of grant of the sanad and date of upload of the sanad copy.*
 - c. *Details of all applications received including those details mentioned for conversion sanad.*

COMMISSION'S OBSERVATION

- i) Besides appeal, the RTI Act, 2005 also provides for filing complaints before the Information Commission under Section 18(1) of the Act. A complaint may be filed, among other grounds, if -
 - a. The Complainant believes that he/she has been given incomplete, misleading or false information.
 - b. In respect of any other matter relating to requesting or obtaining access to records under the Act.
- ii) Section 4 of the RTI Act, 2005 deals with proactive disclosure by public authorities.
- iii) The obligation of the public authorities under the RTI Act include not merely reactive disclosure which occurs when a request is made but creating a transparent working culture where most of the information is available to the citizens barring a few restrictions.
- iv) If the public authorities do not suo-moto disclose information to citizens, unnecessary RTI application have to be filed.
- v) Section 4 (2) of the RTI Act, 2005 states *"It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of subsection (1) to provide as much information suo-moto to the public at regular intervals through various means of communications including internet, so that the public have minimum resort to the use of the Act to obtain information"*.
- vi) Section 4 (3) of the Act states that *"for the purpose of Sub-Section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public"*.

- vii) Opponent submitted that the procedure for grant of sanad is comprehensively governed by Section 32 of the Goa Land Revenue Code, 1968 and the Rules thereunder and there is no provision under the Act and Rules thereof to upload the orders on website.
- viii) Opponent however admitted that the obligation under RTI Act applies only to information that is existing, held or within the control of the public authority and the Act does not oblige public authorities to create or collate information or adopt new mode of dissemination beyond what is required by law.
- ix) Complainant has not asked the public authority to effect any changes in the procedure hitherto adopted for the grant of land conversion sanad under Section 32 of the Goa Land Revenue Code, 1968 and Complainant sought only made available the details/data of the grant of Sanads with the authority to the public domain for the larger benefit/knowledge of the citizens.
- x) The RTI Act, 2005 which received the assent of the President of India on June 15, 2005 came into force w.e.f. October 12, 2005 Section 4 of the RTI Act, 2005 precisely spell out the obligations of public authorities and Section 4(2) clearly envisages that *"It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of subsections (1) to provide as much information suo-moto to the public at regular intervals through various means of communications including internet so that the public have minimum resort to the use of this Act to obtain information"*.

- xi) In the present matter, Complainant never sought creation or collation of reformation but to made available the information with regard to the land use conversion sanad available with the public authority in the public domain.
- xii) The public authority in this matter cannot skip the responsibility specified under Section 4(2) of the RTI Act by claiming that Goa Land Revenue Code 1968 and the Rules thereof have no provision to upload the information in respect of the grant of conversion sanads.

DECISION

After considering the grounds and prayers in the complaint, submissions as well as arguments placed by the Complainant and Opponent and the aforesaid observations, Commission has decided to dispose off the present Complaint with the following direction to the Opponent (PIO/Office of the District Collector and Magistrate, South Goa) ---

I. Since the office of the Opponent PIO is in possession of all information/data in respect of the land conversion sanads granted to the applicants under Section 32 of the Goa Land Revenue Code, 1968 initiate appropriate action within 30 days from the receipt of this order to upload/made available the following land conversion sanad related information in public domain as part of suo-moto disclosure of information by the public authorities under section 4(2) of the RTI Act, 2005 -

- i. Name of the applicant with address.
- ii. Date of application.
- iii. Area of the Land Survey Numbers, Village, Taluka and District of the land mentioned in the application.
- iv. Date of Grant of Sanad.
- v. Brief plan showing areas converted

The above said particulars of land conversion sanad shall upload within two days of the grant of Sanad.

- II. ***Since each land conversion sanad contains 3-4 pages, copy of the sanad need not to be uploaded/made available to the public domain.***

As the time frame to comply with the direction is 30 days from the date of receipt of the order, **District Collectors of South Goa and North Goa are directed** to file their Compliance report within 45 days from the date of receipt of this order.

- III. **Even though Complainant's request is pertaining to the South Goa District only, Commission find it necessary to make applicable the above said suo-moto disclosure of land conversion sanad related information by the District Collector & Magistrate, North Goa also, for the public interest of the Citizens of North Goa District also.**

IV. **Copy of the order is marked to :**

a. ***The Chief Secretary,***
Government of Goa

b. ***The Revenue Secretary,***
Department of Revenue,
Government of Goa

For information & necessary directions to the District Collectors of South and North Goa.

Compliance Report from Opponent PIO, Office of Office of the Collector & District Magistrate, South Goa District, Margao, Goa should reach this Commission within 45 days from receipt of this order.

With the above directions, present Complaint disposed off and proceedings stand closed.

- Pronounced in open Court.
- Notify the parties.

Aggrieved party if any, may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC

