

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Complaint No. 188/SCIC/2010

Shri Francisco A. Soares,
H.No. 1015, 1st Bairro,
Nr. St. Cruz P.O., Santa Cruz,
Tiswadi –Goa.

.... Complainant

V/s

The Public Information Officer/
Supdt. of Survey & Land Records,
Directorate of Surveys & Land Records,
Panaji-Goa.

.... Opponent

Complainant in person.

Opponent in person.

O R D E R
(20/08/2010)

1. The Complainant, Shri Francisco A. Soares, has filed the present Complaint praying, that Opponent be directed to furnish the information sought vide his letter dated 08/02/2010 and penalty be imposed on Public Information Officer.

2. The brief facts leading to the present Complaint can be summarized as under:-

That the Complainant, vide his application dated 18/01/2010 sought certain information from the Opponent under Right to Information ('RIT' Act for short). That the Opponent by his letter dated 28/01/2010 informed the Complainant that records prior to 1904 are not maintained by his office and hence request cannot be complied with. That the Complainant by his letter dated 08/02/2010 sought to know from the Opponent the name of the department who handled the records prior to the year 1904 to enable him to take up the matter with the concerned Department. That by letter dated 18/02/2010 the Opponent replied that his office is not aware of the same. It is the case of the Complainant that the Opponent deliberately and malafidely denied the request for information sought. Hence the present Complaint.

3. The Opponent resists the Complaint and their say is on record. It is the case of the Opponent that by letter dated 28/01/2010 he informed the Complainant that

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record prior to 1904 is not maintained by his Office. That the Opponent further informed that this office is not aware of the address of the office maintaining the same. It is the case of the Opponent that only the information, which is held, is to be furnished. According to the Opponent only the information is to be furnished.

4. Heard both sides and perused the records.

It is seen that by letter dated 18/01/2010 the Complainant sought certain information. The information was in the form of query asking in whose name the said old survey No. 423 stood prior to the year 1904. By reply dated 28/01/2010 the Opponent replied that record prior to 1904 are not maintained by his office and as such request cannot be complied with. The reply is in time.

By letter dated 08/02/2010 the Complainant again sought certain information i.e. the name of department who handled the records prior to 1904. The Opponent by reply dated 18/02/2010 replied that records prior to 1904 are not maintained by their office and that they are not aware of the address of the office in maintaining the same. Again this reply is in time.

5. It is to be noted here that section 2(j) provides only information held by or under the control of any public authority. It, therefore, necessarily implies that the information to which an information seeker is entitled can only be that which is available in the records of the public authority concerned. If Public Authority does not hold information or information is non-existent the Public Authority cannot provide the same under the Act. Right to Information Act does not make it obligatory on the part of the Public Authority to create information for the purpose of its dissemination.

6. The Complainant on his part took inspection as per his say and he is satisfied that the Opponent does not hold the above information. The Complainant does not have any grievance now.

7. In view of the above I pass the following order:-

O R D E R

No further intervention of this Commission is required. The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 20th day of August, 2010.

Sd/-
(M.S. Keny)
Chief Information Commissioner

