

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

Appeal No.23/2018

Shri. Francis D'Mello  
Moica Vaddo, Pilerne,  
Bardez Goa.

..... **Appellant**

v/s

(1) Administrator of Comunidade,  
Near Mapusa Court,  
Bardez-Goa.

(2) Comunidade of Pilerne,  
H.No.485,  
Near St. John de Baptist Church,  
Pilerne, Bardez-Goa.

..... **Respondents**

**Relevant emerging dates:**

Date of Hearing : 22-10-2018

Date of Decision : 22-10-2018

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**O R D E R**

1. **Brief facts** of the case are that the Appellant vide an RTI application dated 25/08/2014 sought certain information from the Respondent PIO O/o Administrator of Comunidade, North Zone, Mapusa-Goa. The information sought is regarding 1) Certified copy of the minutes resolution passed related to Rs. 10 lakhs kept fixed in the name of Pilerne Comunidade and the Pilerne Church (St. John de Baptist Church) 2) Certified copy of resolution passed related to donate the generator for the Pilerne Church and 3) Certified copy of the meeting held on 03/08/2014 of the Pilerne Commuindade given alongwith the copy the resolution.
  
2. It is the case of the Appellant that he had not received any reply nor received any phone call after the expiry of the period of 30 days i.e. 29/09/2014 in respect of his application and therefore the Appellant filed Appeal which came to be registered as RTI Appeal No. RTI/AC-II/17/2014.

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3. The First Appellate authority (FAA) disposed off the First Appeal by a short three line order recorded on the roznama dated 11/03/2016 directing the Comunidade to provide information through the Administrator. It is further seen that this Order of the FAA dated 11/03/2016 was set aside by Hon'ble High Court vide an Order dated 20/09/2017 passed in Writ Petition No. 556/2017 and the matter was restored back to the said file to decide the same afresh in accordance with law after hearing the parties.
4. It is further seen that thereafter the present First Appellate Authority (FAA) held fresh hearing and also written arguments were filed by both the parties and after hearing the parties the First Appellate Authority (FAA), Additional Collector II, by order dated 23/11/2017 directed Respondent PIO, to obtain the information sought by Appellant from the clerk or Escrivao of the Commuindade of Pilerne (deemed PIO) and furnish the same to th Appellant within 15 days without charging any fees as the Information is heavily delayed.
5. Being aggrieved that despite the fresh order of the FAA, information has not been furnished by the PIO (Administrator of Comunidade, North Zone) and also by the Deemed PIO( *Escrivao* of Comunidade of Pillerne), the Appellant filed a Second Appeal before this Commission registered on 12/02/2018 and has prayed that directions be issued to the Respondent to furnish all the information documents a sought in the RTI application and for cost and other reliefs.
6. **HEARING:** This matter has come up for hearing on several previous occasions and is thus taken up for final disposal. During the hearing the Appellant Francis D'Mello is present in person. The Respondent PIO, is represented by Shri Ramesh Tulaskar (APIO), Acting Secretary, O/o Administrator of Comunidade, North Zone, Mapusa is present in person. The Respondent No.2 is absent.

7. **SUBMISSIONS**: The Appellant Shri Francis D'Mello submitted that he requires the said information as sought for in the RTI application and after the matter was remanded back to the FAA by the hon'ble High Court in Writ Petition No. 556/2017, the First Appellate Authority (FAA) after hearing the parties passed a detailed Order directing the Comunidade to provide information to the Administrator. However, despite the Order, the said information has not been furnished. The Appellant requests the Commission to pass an Order directing the PIO, to obtain information from the respective Escrivao of Comunidade of Pilerne to furnish information as the same is required in public interest. Shri Francis D'Mello also submitted that he is Gaunkar (Component) of the said Comunidade of Pilerne and also is entitled to receive the said information by right.

8. **FINDINGS**: The Commission has perused the material on record including objections raised by Respondent No 2 (Comunidade of Pillerne) dated 15/02/2018 along with annexures and has also scrutinized the order of the First Appellate Authority (FAA) dated 23/11/2017. It is pertinent to note that in paragraph no. 12 & 13, the FAA has recorded thus:

*Reading all this provision of the Code of Comunidade and the entire Code, it is amply clear that the Clerk/Escrivao of the Comunidade of Anjuna is an employee of the office of the Administrator of the Comunidades and as per the provisions of the Code of the Comunidades, the Clerk/Escrivao of the Comunidade is a public servant and is also the custodian of all the documents of the Comunidade being the Registrar of the Comunidade. The said Clerk/Escrivao is paid salary by the office of the Administrator of Comunidades who is a Government Civil Servant reporting to the Director of Civil Administration/Collector of the District who is over all Head of the Institution of the Comunidades and the office of the Comunidades in the district.*

*Considering this, the sessions of Comunidades are public and under Article 37 of the Code and the documents in the possession of the Comunidade is therefore a deemed PIO under sub Section(5) of section 5 of the Right to Information Act and thus is liable to provide the information sought by the Appellant under Right to Information Act within 30 days of the application being transferred to him under sub section (4) of section 5 of the Act.* ...4

*In view of the above the following order is passed. The Respondent No.1 and PIO is required to obtain information sought by Appellant from the clerk or *Escrivao* of the Comunidade of Pillerne being a deemed PIO under the Right to Information Act and in possession/responsible for maintenance of all the records of the Comunidade sought by the Appellant vide application dated 25/08/2014 and provide the same to the applicant within 15 days without charging any fees as the information sought is heavily delayed.*

9. **CONCLUSION/DECISION:** No doubt, it is a fact that the Comunidade bodies have not been declared as Public Authorities by the appropriate government and hence are reluctant to part with information. However the very fact that the appropriate government has notified the Administrator of Comunidade (who is the controlling authority) as the PIO, therefore a duty is cast upon the PIO, Administrator of Comunidade under the RTI act to call for the information from the respective Comunidade of Pillerne through the *Escrivao* (clerk) deemed PIO and furnish the information to the Appellant and which does not seem to have been done. The Appellant has submitted that he is a *gaunkar /joneiro* (component) of the said Comunidade of Pillerne and which fact is also recorded by the FAA in the order dated 23/11/2017, therefore he the Appellant is also entitled to receive the information as a matter of his right.

**No intervention is required with the Order of the First Appellate Authority which is reasonable and justifiable .**

10. Consequently, the objections raised by Respondent No 2 stand rejected. The PIO, Administrator of Comunidade, is directed to ensure that the said information is obtained through the *Escrivao*, Comunidade of Pillerne and furnished to the Appellant immediately.

With these directions, all proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-  
**(Juino De Souza)**  
**State Information Commissioner**

