

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 210/2019

Shri. Vithal Mor,
r/o. H. No. 140, Fattawada,
Nerul, Bardez Goa.

..... Appellant

v/s

1)Public Information Officer,
Administrator of Comunidade,
North Zone, Mapusa,
Bardez – Goa.

2)The First Appellate Authority,
Additional Collector of North Goa,
Panaji –Goa.

.... Respondents

Filed on : 03/07/2019

Decided on : 10/11/2021

Relevant dates emerging from appeal:

RTI application filed on	: 27/08/2018
PIO replied on	: 13/02/2019
First appeal filed on	: 28/02/2019
FAA order passed on	: 05/04/2019
Second appeal received on	: 03/07/2019

ORDER

1. The second appeal filed under section 19(3) of the Right to Information Act, 2005 (for short, the Act), by the Appellant Shri. Vithal Mor, resident of Nerul, Bardez against Respondent No. 1, Public Information Officer (PIO), Administrator of Comunidade, North Zone, Bardez, Mapusa Goa and Respondent No. 2, First Appellate Authority (FAA), Additional Collector of North Goa, Panaji Goa, came before this commission on 03/07/2019.

2. The brief facts leading to this appeal, as contended by the Appellant are :-

(a) That the Appellant vide application dated 27/08/2018 filed under section 6 (1) of the Act sought information on 20 points as mentioned in the said application. That the appellant received no reply from PIO within the stipulated period and that he frequently visited PIO's office, but information was not furnished. Later, PIO furnished part information vide letter dated 13/02/2019.

(b) Being aggrieved, Appellant preferred appeal before FAA on 28/02/2019. FAA vide order dated 05/04/2019 directed PIO to furnish the information to Appellant within 15 days. However, PIO did not comply with FAA's order. Thus Appellant filed second appeal before this Commission with prayers such as complete information, penalty under section 20 (1) and 20 (2), compensation etc.

3. The appeal was registered and the concerned parties was notified. Pursuant to the notice, appellant appeared through legal representative and Respondents were represented by their colleague under authority letter. FAA and PIO filed replies dated 22/08/2019 and 05/03/2020 respectively, along with enclosures and Adv. Sanjiv Sawant filed written arguments dated 18/08/2021 on behalf of the PIO.

4. The Appellant and his representatives did not file any submission during the proceeding of this appeal. However, the Appellant has claimed in the appeal memo that the PIO has not furnished information even when it is available in his office. That the information sought under Point Nos. 1, 5, 6, 7, 8,12, 13, 14, 15, 16, 17 and 18 as per the application dated 27/08/2018 is not furnished, and the PIO has deliberately not furnished the same to the Appellant. That the PIO has failed to appreciate relevant provision of the Act and as such flouted the spirit of the Act. Also, the PIO has not

complied with the order of the FAA. By stating this, Appellant asked for entire information and also pressed for action against PIO under section 20 of the Act.

5. The FAA stated vide reply dated 22/08/2019 that he has acted on the first appeal and passed the order directing PIO to furnish the information to the Appellant.
6. The PIO, vide reply dated 05/03/2020 and 18/08/2021 stated that the Appellant sought certain information which was to be collected from the Comunidade of Nerul and then to be furnished to the Appellant. The information sought on point Nos. 2, 3, 4, 9, 10, 11, 19 and 20 has been furnished to the Appellant within the stipulated time. The PIO issued a letter dated 28/09/2018 to the clerk of Comunidade of Nerul requesting to supply the information sought by the Appellant, as the same is not available in the office of the Administrator/PIO of the Comunidade of North Zone, Mapusa, Bardez Goa. The Attorney of the Comunidade of Nerul refused to provide the said information claiming Comunidade is not a public authority as defined under the Act. Later PIO issued Memorandum dated 09/05/2019 to the Escrivao of Comunidade of Nerul. However, the Escrivao communicated that the Comunidade is not public authority to furnish the information to the Appellant. That the Respondent PIO has taken every possible step to provide information to the Appellant, however the Comunidade of Nerul has taken a stand that they are not public authority, hence the remaining information is not furnished to Appellant.
7. The Commission has perused all the submissions and heard both the parties. It is seen that as claimed by PIO, he has sent letters to Attorney and Escrivao of Comunidade of Nerul in order to get information from the said Comunidade. The PIO sent another letter to Escrivao after the order of the FAA. However the Comunidade of Nerul did not provide the information to the PIO. The Commission

is convinced of the fact that the PIO has indeed made every attempt to collect complete information from the Comunidade of Nerul. However the Comunidade has taken a position that it is not a public authority. Considering the fact that the information furnished by the PIO which is available in his office and therefore cannot be faulted for part information which is not furnished due to non availability.

8. The Commission notes that the Comunidade bodies have not been declared as public authorities by the appropriate Government and as such, they are reluctant to part information to the PIO, Administrator of Comunidade. It is observed that in many such cases Comunidades have refused to disclose information to the PIO/Administrator of Comunidade, even after memorandum is served on Attorney/Escrivao/Clerk of the said body, thus rendering the PIO helpless.
9. In view of the above discussion and on considering the facts of this case, the Commission comes to the conclusion that the PIO has made all possible attempts to obtain information from the Comunidade of Nerul and has furnished whatever information available in his office.
10. Therefore, the appeal is dismissed and proceeding stand closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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/-

Sanjay N. Dhavalikar

State Information Commissioner
Goa State Information Commission
Panaji - Goa