

**GOA STATE INFORMATION COMMISSION**

“Kamat Towers” 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.scic.goa.gov.in](http://www.scic.goa.gov.in)

---

**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 216/2021/SIC**

Shri Nilesh Raghuvir Dabholkar,  
R/o. H.No. 275/2 (New) Dabholwada,  
Chapora, Anjuna,  
Bardez-Goa. 403509

-----Appellant

**v/s**

1. The Public Information Officer,  
The Mamlatdar of Bardez and Administrator of  
Devalayas,  
Government Building, Mapusa,  
Bardez-Goa 403507.

2. The Mamlatdar of Bardez and  
First Appellate Authority,  
Government Building, Mapusa,  
Bardez-Goa 403507.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 22/03/2021
PIO replied on	: Nil
First appeal filed on	: 29/04/2021
First Appellate Authority order passed on	: Nil
Second appeal received on	: 30/08/2021
Decided on	: 28/11/2022

**ORDER**

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Respondent No. 1, Public Information Officer (PIO), Awal Karkun, Office of Mamlatdar of Bardez, Mapusa-Goa and Respondent No. 2, First Appellate Authority (FAA), the Mamlatdar of Bardez Taluka, Mapusa –Goa, came before the Commission on 30/08/2021.
2. The brief facts of this appeal as contended by the appellant are that, vide application dated 22/03/2021 filed under Section 6 (1) of the Act he had sought information on four points from the PIO. Being aggrieved by non furnishing of the information, he filed appeal dated 29/04/2021 before the FAA. Further, being aggrieved by non hearing by the FAA, appellant filed second appeal before the Commission.
3. Notice was issued to the concerned parties, pursuant to which appellant appeared in person. PIO was initially represented by authorized representative and later appeared in person. Appellant filed written arguments on 30/06/2022 and 27/09/2022. PIO filed

reply cum submission on 13/05/2022 and 07/06/2022. Later on 22/08/2022, PIO filed an affidavit.

4. Appellant stated that, he had sought certain information from the PIO of the office of the Mamlatdar of Bardez, information pertaining to Sidheshwar Devasthan situated at Chapora-Anjuna, Bardez Mamlatdar, being the Administrator of the said Devasthan must have the said information available in his records and the PIO is required to furnish the same, since the information is in public domain, however, the PIO has not provided any information. Appellant further contented that, the PIO and the public authority have denied the information and filed reply and affidavit only to mislead the authority and evade the duty.
5. PIO stated that, the information sought by the appellant was not available in his records, so he forwarded the application to Sidheshwar Devasthan and the Devasthan refused to disclose the information sought by the appellant. Later, during the present proceeding Sidheshwar Devasthan was again requested to provide information, to which vide reply dated 23/05/2022 President of the Devasthan stated that they are not liable to provide any information since the Devasthan is not the public authority under Section 2 (h) of the Act. PIO further stated that, he has taken all the efforts to furnish information available with him and has acted in accordance with the Act.
6. Upon perusal of the available records it is seen that, the appellant vide his application had sought from the office of the Mamlatdar of Bardez certain information pertaining to the Sidheshwar Devasthan-Chapora, Bardez. As per Article 70 of Devasthan Regulation as approved by Diploma Legislative No. 645 dated 30/03/1933 and amended by Diploma Legislative No. 1989 dated 29/05/1959, the Mamlatdar, being the Administrator of Talukas (Concelho) is designated as Administrator of the bodies of members (mazanias), i.e. Managing Committee. The Mamlatdar is bestowed upon functions such as to watch over the execution of regulations and bye-laws, to maintain the order of regularity of the bodies (mazanias), to audit the accounts of bodies, to examine the documents and book-keeping, to transit Government decisions to the Committee etc. Meaning, Article 70 of Devasthan Regulation gives supervisory powers to the Administrator / Mamlatdar of Devasthan.
7. It becomes clear from the description in para 6 that the Administrator / Mamlatdar acts as a supervisory head of Devasthans

in his Taluka. Therefore, he should be in possession of records of Devasthanans pertaining to budget, audit, deposits in the form of cash and other valuables like gold and silver, minutes of the meetings of Managing Committee of Devasthan (mazanias), etc. Appellant, in the present matter had requested for similar information and as mentioned above, the said information has to be available in the records of the Administrator / Mamlatdar of the concerned taluka.

8. PIO has stated that the information sought by the appellant was not available in his records i.e. office of the Administrator /Mamlatdar, hence, he requested the Managing Committee of Sidheshwar Devasthan to provide the said information. Further, President of the Managing Committee refused to disclose information stating they are not the public authority under Section 2 (h) of the Act and information disclosure under the Act is not binding on the Devasthan Committee. The Commission endorses the stand taken by the President of Managing Committee of Sidheshwar Devasthan and holds that the Devasthan, not being the public authority under the Act, is not liable to furnish any information under the Act.
9. The appellant has contended that the information sought by him has to be available in the records of the Administrator of Devasthan, who is Mamlatdar of Bardez. The said information is available in public domain, hence the PIO is required to furnish the same. Whereas, PIO's contention is that the information requested is not available in his office and Sidheshwar Devasthan has refused to disclose the information, hence he is unable to furnish any information. The Commission observes that the appellant had sought the information under Section 6 (1) of the Act and Section 7 (1) of the Act mandates PIO to either furnish the information or reject the request within the stipulated period of 30 days. PIO took no action within the stipulated period, hence the inaction of PIO under Section 7 (2) of the Act amounts to deemed refusal of the request. If the information was not available, PIO was required to transfer the application to other authority or seek information from the concerned authority and furnish to the appellant. PIO requested Sidheshwar Devasthan Committee to provide the information, however did not inform anything to the appellant. Ultimately, the Devasthan Committee refused to divulge the information since the concerned Devasthan Committee does not come within the purview of the Act. Here, the PIO was at fault for not replying to the appellant within the stipulated period, and for this, the PIO needs to be reprimanded.

10. Appellant is right in stating that the office of the Mamlatdar, being the Administrator of the Devasthan in his Taluka, is required to maintain and preserve all relevant details with documents pertaining to the affairs of Devasthan in the records of his office. However, PIO has consistently stated that the information pertaining to Sidheshwar Devasthan, as sought by the appellant, is not available in the records of the office of the Mamlatdar, hence he requested Devasthan Committee to provide the information, and the Committee refused to divulge the information. Here, the Commission notes that the Act requires the office of the Mamlatdar to maintain and preserve the relevant information pertaining to the affairs of Devasthan, in safe custody, yet the information is not available with the PIO. Hence, the Commission finds that the office of the Mamlatdar and the PIO have failed to maintain and preserve the said information and such a lapse needs to be enquired by the said authority.
11. During the hearing of the instant matter on 22/08/2022, PIO filed an affidavit before the Commission stating that the information sought by the appellant is not available in the office. The Commission has perused the affidavit and found that the PIO has clearly stated that the information is not available in his office. The Commission finds no ground to discard on disbelief the said affidavit. Consequently, the Commission concludes that information sought by the appellant does not exist in the office of the PIO, hence the same cannot be ordered to be furnished. However, needless to say that, in case at any stage or at any time the statement in the said affidavit are found false, the person swearing the same would be liable for action for perjury.
12. The Commission notes with all seriousness that the first appeal filed under Section 19 (1) of the Act by the appellant before the FAA was not heard at all. Section 19 (6) mandates FAA to dispose the appeal within maximum of 45 days from the date of filing thereon. Non hearing of the appeal is considered as de-reliction of duty and such an inaction from senior officer of the rank of Mamlatdar compels appellant to appear before the Commission, for which appellant has to incur unnecessary expenditure. FAA is required to abide by the law and dispose the appeals as provided under Section 19 (6) of the Act.
13. In the light of above discussion and the findings as mentioned above, the Commission concludes that the information sought by the appellant is not available in the office of the PIO, hence, no relief can be granted to the appellant in terms of furnishing the requested

information. The Commission reprimands the PIO and the FAA in the instant matter and directs them to work hereafter, strictly within the provisions of the Act. Any violation under the Act in future by the PIO and the FAA will be viewed seriously. Similarly, the Commission shall direct the concerned authority to institute an enquiry into the issue of the said information being not available in the records of the PIO.

14. Thus, the present appeal is disposed with the following order:-

- a) The FAA, Mamlatdar of Bardez is directed to undertake appropriate enquiry into the issue of information pertaining to the affairs of Sidheshwar Devasthan, Chapora-Bardez, being not available in the records. The Mamlatdar shall complete the enquiry and submit the findings to the Commission, within six months from the date of receipt of this order.
- b) FAA is directed hereafter, to hear and dispose appeals received under Section 19 (1) of the Act, as provided under the Act.
- c) PIO is directed hereafter, to respond to the applications received under Section 6 (1) of the Act, within the stipulated period, as provided under the Act.

Proceeding stands 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

