

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Complaint No. 38/2022/SIC

Shri. Master Sousa Leonardo Caetano,
Sao Bras, Ilhas Marcella,
Mundakar H. No. 370, Gandaulim,
Tiswadi, North Goa 403107

.....Complainant

V/s

1. The Public Information Officer (PIO),
Office of the Mamlatdar of Tiswadi,
Tiswadi, Panaji-Goa, 403001
2. The First Appellate Authority (FAA),
Office of the Mamlatdar of Tiswadi,
Panaji- Goa, 403001

.....Opponents

Relevant dates emerging from appeal:

RTI application filed on	: 27/12/2021
PIO replied on	: Nil
First appeal filed on	: 23/02/2022
First Appellate Authority order passed on	: 09/11/2022
Complaint received on	: 14/11/2022
Decided on	: 06/03/2023

ORDER

1. The present complaint filed by the complainant under section 18(1)(e) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Opponent No. 1 Public Information Officer (PIO) and Opponent No. 2 First Appellate Authority (FAA), came before the Commission on 14/11/2022.
2. It is the contention of the complainant that, being aggrieved by non furnishing of the information he had filed appeal before the FAA. Initially the said appeal was not heard, hence complainant preferred second appeal. The Commission vide order dated 26/09/2022 remanded the matter to the FAA, Mamlatdar of Tiswadi, and directed the FAA to dispose the same as provided by the law.
3. It is the contention of the complainant that he is aggrieved because his appeal was disposed as dismissed by the FAA vide order dated 09/11/2022. That, he has not received information on

point No. 1, 4, 6, 9 and 10. The said information is available with the Chairman of Dhauji Ella Tenants Association, yet the same is not received by him.

4. Pursuant to the notice, complainant appeared in person and pressed for the information and inquiry into the matter. Smt. Anusha Gaonkar, PIO appeared in person and filed reply dated 05/01/2023. Complainant filed copy of order dated 18/02/2019, in Appeal No. 249/2018/SIC-II and order dated 13/12/2018, in Appeal No. 248/2018/SIC-I and requested the Commission to refer the said order.
5. PIO stated that, complainant had sought information which pertains to Dhauji Ella Tenants Association. Though the Mamlatdar of Tiswadi is the Administrator of the said Association, the Tenants Association is an independent body and the functioning of the same is governed by the Rules under the Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975. Under these Rules, role of the Mamlatdar in regard to the Tenants Associations is of a supervisory nature. The Tenants Associations are independent bodies consisting of Tenants and they jointly derive benefit from a common major bund or bunds in a locality and is recognized as such under these rules, by the Mamlatdar of the Taluka. Further, these Associations have their Managing Committee consisting of office bearers, elected by the General Body. Thus, Tenants Association is neither a subordinate, nor a subsidiary agency of the Mamlatdar of the Taluka. Therefore, the office of the Mamlatdar cannot be a custodian of all the records of the Managing Committee, nor duty bound to maintain the same. The Tenants Association being the private body, the Act does not cast an obligation upon the PIO to collect or collate such non available information and then furnish to the applicant.
6. Complainant stated that, information requested by him is available with Chairman of Dhauji Ella Tenants Association, and the Mamlatdar, being the Administrator of the Association in his Taluka, should have in his custody all the information, else he should collect the same from the Chairman of the Tenants Association and furnish to the complainant. He further submitted that, due inquiry be initiated in order to receive the information

from the Chairman by the PIO of Office of the Mamlatdar of Tiswadi.

7. The Commission has perused the submissions and record of the present complaint. It is seen that the complainant in the present matter vide application dated 27/12/2021 had sought information on seven points, pertaining to Dhauji Ela Tenants Association. Though PIO did not issue any reply to the applicant within the stipulated period, there were efforts made by the office of the Mamlatdar of Tiswadi and by the Mamlatdar himself, to get the information in order to furnish the same to the applicant. Shri. Dasharath N. Gawas, Mamlatdar of Tiswadi vide letter dated 01/02/2022 had requested the Chairman of Dhauji Ella Tenants Association to provide the information in order to furnish the same to the applicant. Similarly, Awal Karkun II of the office of the Mamlatdar of Tiswadi vide letter dated 01/02/2022 had written to the Mamlatdar of Tiswadi that information on point No. 1, 5 and 6 is not available, information on point no. 7 is enclosed and for information on point No. 2, 3, 4, 8, 9 and 10 the application is forwarded to the Chairman of Dhauji Ella Tenants Association to submit the information to the PIO of the Office of Mamlatdar of Tiswadi. Further, Shri. Sanjeev Signapurkar, the then PIO vide letter dated 01/03/2022 had again requested the Awal Karkun II of the office of Mamlatdar of Tiswadi to search and provide information on point No. 2, 3, 4, 8, 9 and 10.
8. Smt. Anusha Gaonkar, the present PIO, based on these records, submitted before the Commission that the information on point No. 1, 4, 5, 6, 9 and 10 is not available in her office, whereas information on point No. 2, 3, 7 and 8 is already furnished to the applicant.
9. Considering the efforts taken by the office of Mamlatdar and the then PIO as well as present PIO, the Commission is convinced that the PIO has furnished the available information and the remaining information could not be furnished since the same is not available in records. Similarly, efforts were taken by the office of Mamlatdar and the Mamlatdar himself, to get the information from the Chairman of Dhauji Ella Tenants Association, inspite of these effort, the Chairman of the said Association has not furnished the requested information. The Said Association being the private body, does not come under the perview of the Act. Also, the

Chairman of the Tenants Association is not the party in the instant matter, hence no direction can be issued to the Chairman of the Tenants Association.

10. Complainant has prayed for enquiry be initiated in order to receive the information from the Chairman of Dhauji Ella Tenants Association. However, considering the efforts taken by the PIO and the office of Mamlatdar and the Mamlatdar himself, the Commission finds no fault in these efforts and is of the view that such an enquiry is not required in the matter.
11. Complainant has referred attention of the commission to the order dated 18/02/2019 passed by the same authority in Appeal No. 249/2018/SIC-II and order dated 13/12/2018 in Appeal No. 248/2018/SIC-I. However, the present matter being the complaint filed under section 18(1)(e) of the Act, no such relief can be granted to the complainant.
12. In the light of above discussion, the Commission concludes that the present complaint is bereft of merit and no relief can be granted to the complainant. Hence the complaint is disposed as dismissed and the 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