

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 98/2024/SIC

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

.....Appellant

V/s

1. The Public Information Officer (PIO),
Office of the Administrator of Comunidades
of Bardez, North Zone,
Mapusa, Bardez Goa.

2. The First Appellate Authority (FAA),
Office of the Additional Collector – III,
Mapusa, Bardez Goa.

.....Respondents

Filed on: 16/04/2024

Disposed on: 22/01/2025

ORDER

1. This present second appeal arises out of the application dated: 06th November, 2023 under the Right to Information Act issued by Shri. Master Souza Leonardo Caetano and addressed to the Public Information Officer (PIO) at the Office of Administrator of Comunidade North Goa.
2. The Public Information Officer (PIO), Shri. Shivprasad Naik vide letter dated 09/11/2023 informed the Appellant herein that the information sought by him is not available.

3. Thereafter, on 16th November, 2023 the Appellant herein preferred the first Appeal before the First Appellate Authority (FAA).
4. Vide order dated 1st March, 2024 the First Appellate Authority dismissed the said first Appeal leading to the Appellant herein preferring the second Appeal dated 16th April, 2024.
5. On account of the former State Information Commissioner demitting Office the matter could not be taken up by this Commission and upon resumption of regular proceedings. Notices were issued on 06th November, 2024.
6. Vide reply dated 11th December, 2024 the PIO reiterated that the records of the Comunidade of which information is asked are not available on account of the said Comunidade being dysfunctional.
7. Further the PIO also cited the judgment of the Hon'ble High court of Bombay at Goa in writ petition numbers 1004 of 2014 and 1177 of 2018 wherein the Hon'ble High Court has held that Comunidades are not covered in the ambit of Public Authority under the Right to Information Act, 2005 and that the Administrator of Comunidades being a Public Authority can produce only those documents, records or information which are directly under his custody.

8. The matter was argued and contentions of both the parties were heard.

9. In view of the above this Commission doesnot find any merit in the present second appeal and therefore the present second appeal is dismissed.

No order as to cost.

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/-

(Atmaram R. Barve)

State Information Commissioner