

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 52/2024/SIC

Shri. Narayan V. Prabhu,
r/o. H.No. 110, Gaonkarwado,
Usgao, Ponda-Goa.

..... Appellant

V/s

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

2.Mohan K. Narvekar,
Clerk of Comunidade of Usgao,
Ponda-Goa.

3.First Appellate Authority (FAA)
Additional Collector-III,
Mapusa, Bardez-Goa.

.....Respondents

Filed on: 15/02/2024
Disposed on: 30/01/2025

ORDER

1. The present second Appeal arises out of the Right to Information application dated 17th May, 2023 made by Shri. Narayan V. Prabhu the Appellant herein and addressed to the Public Information Officer (PIO) at the Office of the Administrator of Comunidade, North Zone, Mapusa-Goa.
2. Vide reply dated 12th June, 2023 the PIO Shri. Shivprasad S. Naik informed the Appellant herein that the information sought by him is not available in the Office of the Administrator of North Zone, and that vide memorandum dated 23rd May, 2023 the PIO has sought the said information from the Clerk of Usgao Comunidade but the same has not been received.

3. Further, the Appellant herein preferred the first Appeal dated 27th June, 2023.
4. The First Appellate Authority (FAA) vide his judgment and order dated 27th October, 2023 partly allowed the first Appeal and directed the PIO to provide the information to the Appellant free of cost within ten days from the receipt of the said order.
5. Citing grounds that inspite of directions by the First Appellate Authority the PIO has failed to provide the information and that he has been denied access to public records. The Appellant prayed for directions to the PIO and also sought condonation of delay towards filing of the said second appeal.
6. Before notice could be issued in this matter the former State Information Commissioner demitted Office and upon resumption of the regular proceedings the matter was taken up from 09th October, 2024 onwards.
7. Vide reply dated 28th October, 2024 the PIO Shri. Pandurang Gad contended that the information asked by the Appellant herein was not available in his Office and vide memorandum dated 23rd May, 2023 the said information was sought from the Clerk of Ussagao Comunidade.
8. However, no information or reply was received. Further, he also cited the judgment of the High Court of Bombay at Goa in writ Petition No. 1177 of 2018 and 144 of 2014 wherein it is held that Comunidades of Goa do not come under the definition of the Public Authority under the Right to Information Act, 2005.
9. Further, the Public Information Officer (PIO), Shri. Pandurang Gad vide application dated 16/12/2024 sought more time to file reply and also annexed memorandum dated 29th November, 2024 wherein he had sought information in so far as the application of the Appellant herein is concerned, from the Clerk of Comunidade of Usgao, Ponda, Goa.
10. The Appellant filed his written submission on 23rd January, 2025 and contended that the Judgment cited by

the Respondent PIO does not expressly mention a retrospective effect and that the PIO was duty bound to furnish the information at that relevant time.

11. The matter was argued and upon perusal of the appeal memo written submissions and oral arguments, this Commission is of the considered opinion as under:-

- a) The conduct of the consecutive Public Information Officer's in this matter largely appears to be that of displaying reasonable efforts to seek the information from the clerk of the Comunidade of Usagao, Ponda-Goa.
- b) Although the Administrator of Comunidade is a public Authority, yet with regards to furnishing information pertaining to the Comunidades is concerned the same has to solely rely on whatever information is furnished by the competent Secretary of such Commundides.
- c) Directing the PIO to provide information to the Appellant herein in the reasonable course would also turn out to be a futile exercise considering the conduct of the said Comunidade in this matter and as such would not provide a fair remedy to the Appellant herein.
- d) In case of continued non cooperation from the said Comunidade it would be inappropriate to construe that the PIO has denied information to the seeker.
- e) The Public Information Officer also cannot be compelled to create such an information and it would be beyond his scope of work.

12. Therefore, in view of the above the present second Appeal is dismissed.

13. No order as to cost.

Appeal dismissed accordingly.

Appeal disposed off with no order as to cause.

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