

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 257/2008

Shri Govind N. Dessai,  
C/o Krishna Gaunkar,  
H. No. 696, Vidhyanagar,  
Margao - Goa.

..... Appellant.

V/s.

1. The Public Information Officer,  
Directorate of Mines & Geology,  
Government of Goa, Panaji - Goa.
2. The First Appellate Authority,  
Directorate of Mines & Geology,  
Government of Goa, Panaji - Goa.

..... Respondents.

Shri Vinayak Dessai, authorized representative for Appellant present.

Shri K. L. Bhagat for the Respondents.

## **J U D G M E N T**

(Per Afonso Araujo)

The Order of the First Appellate Authority agreeing with the decision of the Public Information Officer on the information sought and dismissing the Appeal, is challenged in this Second Appeal.

2. By letter dated 4/8/2008, the Appellant sought the following information under the Right to Information Act, 2005 (to be referred as 'the RTI Act'): -

1. The Mandatory requirement of documents and the fees for the execution of lease licence, related with the extractions of laterite in a private property.
2. Certified copy of the rule/rules if any, enacted by the administration, vis-avis State Mining act, which governs such lease licences, in the State of Goa.

The Respondent No. 1 provided the information by letter dated 13/8/2008 stating that the mandatory documents required for the execution of lease relating with the extracts of laterite in a private property is the grant order issued by the competent office under the Minor Minerals Rules. The reply

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also mentions various fees to be paid before the execution of lease.

3. The Appellant by letter dated 22/8/2008 and in reference to the letter of the Respondent No. 1 dated 13/8/2008 sought further information under the RTI Act namely:

1. In order to acquire the said Grant order, from the competent officer, under the Minor Minerals rules, is it mandatory to produce title documents or any other documents, of the property, where the applicant intent to extract laterite.
2. If yes, kindly specify the list of documents to be produced.

By letter dated 10/9/2008, the Respondent No. 1 replied by mentioning the list of documents which are indicated by the mining authorities for grant of quarrying lease namely:

1. Application in Form "A" duly filled in
2. Application fee of Rs.500/- by challan
3. Index of land in Form I & XIV
4. Cadastral Plan, making the applied area.
5. N.O.C. of the owner or copy of the agreement of the applicant with the owner of the land as recorded in Form I & XIV.

4. Not content with the information provided the Appellant preferred the First Appeal and by Order dated 3/11/2008 the First Appellate Authority dismissed the Appeal thereby concurring with the information provided by the Respondent No.1.

5. Shri Dessai in his submissions stated that the information provided was incomplete and the Respondent No. 1 did not specify the documents which were required to obtain the lease. Shri Bhat contend that any one of documents mentioned in Rule 5(2)b is required to obtain the lease.

6. I have gone through records of the case and considered the submissions of both the parties. The only question for determination is whether the information provided is as per the requirements of the information sought.

7. The Appellant in the request dated 4/08/2008 sought information under the RTI Act pertaining to the execution of lease licence related to extract of laterite in the private property and the certified copy of rules which governs such lease licence. The Respondent No. 1 by communication dated 13/08/2008 provided the information sought by stating that the execution of lease, relating to the extraction of laterite in a private property is by way of grant order issued by the competent authority under the Minor Mineral Rules. Subsequently by referring to the Minor Mineral Rules, the Appellant sought further information and required the Respondent No. 1 to specify the title documents required for such grant. In the reply dated 13/08/2008, Respondent No. 1 mentioned the documents required and in respect of title documents the answer is at item No. 3 Index of land in Form No. I & XIV. The contention of the Appellant is that the information provided in respect of the documents and by referring only to the Form No. I & XIV is incomplete and misleading as the same is not in accordance with the requirements of the Minor Mineral Rules. Rule 5(2) of the Goa Daman Diu Minor Mineral Concession Rules 1985 (for short Minor Mineral Rules) says: "Every application for quarrying lease shall be accompanied by:

- (a) Fees of Rupees one hundred and fifty;
- (b) Certified copies of the relevant extracts.....

As per this provision the Record of Rights, Revenue Registers or property register or any other legal document are the title documents required for execution of lease under Minor Mineral Rules. The Respondent No. 1 in the reply in respect of title documents has referred only to the Record of Rights Form No. I and XIV and not the Revenue Register, apart from the fact of not referring to the property register or any other legal document. Both Record of Rights, Revenue Register should go along as one requirement and the other requirement is property register and third requirement is any other legal document. The information provided by the Respondent No. 1 on requirements of the title documents for execution of lease under Minor Mineral Rules is incomplete and referring only to Record of Rights and not Revenue Register and also by not referring the two other requirements of title documents, to some extent the Respondent No. 1 provided misleading information specially in view of the provision of section 5(2)(b) of the Minor Mineral Rules.

8. In such circumstances, the Respondent No. 1 is required to provide a specific answer to the request of the Appellant in respect of the title documents needed for the execution of lease under the Minor Minerals Rules. Whether this incomplete information was provided deliberately or intentionally will be decided after the compliance of the direction to provide information sought. Hence, the following order: -

### **ORDER**

The Appeal is partly allowed. The Respondent No. 1 to provide the information in respect to title documents required in the request dated 22/08/2008 within 15 days from the date of the receipt of this order and the Respondent No. 1 to put compliance on 18/08/2009 at 10.30 a.m.

Pronounced in the open court on this 28<sup>th</sup> day of July, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



