

## **GOA INFORMATION COMMISSION**

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 13/2008

Shri. Shankar Raghunath Jog,  
Margawadi, Sancordem,  
Via Tiska – Goa.

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Appellant.

V/s.

1. First Appellate Authority,  
The Director,  
Directorate of Mines & Geology,  
Panaji – Goa.
2. Public Information Officer,  
Shri. A. T. D'Souza,  
Directorate of Mines & Geology,  
Panaji – Goa.

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Respondents.

### **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per A. Venkataratnam)

Dated: 09/07/2008.

Appellant present in person.

Adv. K. L. Bhagat for both the Respondents.

## **ORDER**

This disposes off the second appeal dated 8/4/2008 filed by the Appellant against the order dated 24/01/2008 of the Respondent No. 1, who is the first Appellate Authority who directed the Respondent No. 2 to give the information in the format in which the Appellant asked. The information asked by the Appellant on 29/10/2007 was indeed supplied by the Respondent No. 2 herein, the Public Information Officer. The Appellant had two grievances (i) that the information regarding the pollution load of the mining concessions about which he has asked should have been forwarded to the authority which has the records instead of replying that they do not have the information, and (ii) information should have been given in the format in which he has asked. The first Appellate Authority infact dismissed the first appeal for default of appearance by the Appellant before the first Appellate Authority. On receiving the notices from this Commission consequent on filing of this second appeal, the first Appellate Authority passed an order on 16/05/2008 allowing the first appeal. We have made it very clear earlier also in a number of cases that according to rule 7(2) of the Goa State Information Commission (Appeal Procedure) Rules, 2006, the Appellant can appear in person before the Appellate Authority or authorize somebody to appear during the hearing or choose to remain absent during appellate proceedings. The Appellate

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Authority has an obligation to continue with the proceedings by hearing the Respondent and perusing the records placed before him and pass his orders, unlike in civil cases where they are dismissed for default for appearance by the Petitioner/Appellant. Obviously, this has been realized by the first Appellate Authority later on and revised his order allowing the appeal. We hope that he will keep this in mind during the subsequent hearings of the appeals before him.

2. The Appellant has taken recourse to section 7(9) of the Right to Information Act, 2005 (for short the RTI Act). Section 7(9) of the RTI Act provides that "an information shall ordinarily be provided in the form in which is sought unless .....". This means that the information available with the public authority in a printed or electronic format or a typed document or a part of the hand written document (in whatever form it is available) should be given to the citizens in response to the requests by them. It does not enjoin the Public Information Officer to arrange the information in an order as desired by the citizen. This is clear from the exemption provided in the same sub-section with reference to the diversion of public resources of the public authority or the safety of the record in question. If the information requested is a printed document, it has to be photocopied for supply. If the document is very old and is likely to be damaged while photocopying, the Public Information Officer can type it and supply it after attestation to prevent damage to the document. In this particular case, the Appellant has asked for the information in a question and answer form. The Public Information Officer has replied to the questions serially without re-writing the questions but making reference to the questions of the Appellant. The Appellant is insisting that the question should be typed first and the reply should be typed below. This is, obviously, an abuse of the process of the RTI Act and is not the intention behind the enactment under section 7(9) of the RTI Act. We, therefore, reject the request of the Appellant. As far as the other grievances of the Appellant to transfer two questions regarding the pollution in the mining area, it is now too late to transfer the request to the other public authority. Instead, the Appellant should approach the authority concerned for knowing the details of the pollution caused by the mines in question.

3. Consequently, the appeal is dismissed.

Pronounced in the open court, on this 9<sup>th</sup> day of July, 2008.

Sd/-  
(A. Venkataratnam)  
State Chief Information Commissioner

Sd/-  
(G. G. Kambli)  
State Information Commissioner