

## **GOA INFORMATION COMMISSION**

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

Appeal No. 89/2007-08/NIE

Dr. S. K. Pradhan,  
5-F-6, Shantaban Housing Complex,  
Merces, P. O. Santa Cruz - Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
Mr. Nicholas D'Souza,  
The Vice Principal/Sr. Most Lecturer,  
Nirmala Institute of Education,  
Panaji - Goa.

2. First Appellate Authority,  
Dr. Rita Paes,  
The Principal,  
Nirmala Institute of Education,  
Panaji - Goa.

..... Respondents.

### **CORAM:**

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

(Per A. Venkataratnam)

Dated: 15/01/2008.

Appellant in person.

Adv. Shri. Shivan Desai for the Respondents.

### **ORDER**

This disposes off the second appeal filed by the Appellant against the order dated 14<sup>th</sup> August, 2007 of the Respondent No. 2 who is the first Appellate Authority under the Right to Information Act, 2005 (for short the RTI Act). By the impugned order, the Respondent No. 2 confirmed the order of rejection to supply the information requested by the Appellant. Earlier, the Public Information Officer rejected the information on the grounds that the information requested is not "information" as defined under the RTI Act as it is investigating, probing and spying in nature. The first Appellate Authority dismissed the appeal for the same reasons adding words "defaming in nature". The request consists of 6 points and is about the recruitment of staff and the rules and procedure followed by the public authority, the Nirmala Institute of Education (NIE). A similar Appeal No. 97/2007 filed by another Appellant, Dr. G. C.

...2/-

Pradhan, against the same public authority was disposed off by this Commission by its order dated 10<sup>th</sup> January, 2008 for the reasons mentioned therein. The complete facts of the order is available on the Commission's website <http://goasic.gov.in>.

2. Notices in this case were issued and the Appellant was present in person and Adv. Shivan Desai argued for the Respondents. Both the Respondents also have filed statements. In their statements, they have stuck to the ground that the information requested is investigating and probing in nature and therefore, is not "information" as defined under the Act and hence, it cannot be given. We have already held that these are not reasons for rejecting the information as mentioned in either section 8 or 9 of the RTI Act. We have also held earlier and we confirm now that the request made by the Appellant in the matters of the recruitment of staff and rules under which they have been appointed, pay is fixed etc. are "information" as defined under the RTI Act. Though the questions posed by the Appellant are investigating and probing, they have to be answered and the documents should be provided by the Public Information Officer as long as the records are available with the public authority and there are no grounds for claiming exemption from disclosure as per the RTI Act. Hence, the appeal succeeds and the letters dated 6<sup>th</sup> July, 2007 of the Public Information Officer and the letter dated 14<sup>th</sup> August, 2007 of the first Appellate Authority are set aside. The information should be provided to the Appellant by the Public Information Officer in the next 10 days from the date of pronouncement of this order.

3. The Appellant has asked for the supply of information free of cost. We have held already in a number of cases, the latest one being V. A. Kamat V/s. PIO, NGPDA, on the matter of interpretation of section 7(6) of the RTI Act. The detailed order is available on our website. Suffice it to say that the Appellant is not entitled to free information as the documents requested are neither the printed documents nor the information is in the electronic format as provided under section 7(5) of the RTI Act. In the circumstances of this case, we are not inclined to take up the penalty proceedings against the Public Information Officer at this stage as requested by the Appellant.

Announced in the open court on this 15<sup>th</sup> day of January, 2008.

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

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

