

Dos and Don'ts by First Appellate Authority

Gujarat State Information Commission

If the 1st appeal was heard in the absence of the appellant, it should be heard again after communicating to the appellant the date and time of the hearing. A decision on this 1st appeal has to be taken by the FAA within 30 days of receiving a copy of the IC's decision [**Appeal No. 0007 / 2006-07 dt. 05.05.2006**] and also in the decision on **Appeal No. 0008 / 2006-07 dt. 05.05.2006**

Kerala State Information Commission

Ref: AP.No.15/2007/SIC: Shri. N. Premkumar Vs. Food, Civil Supplies & Consumer Affairs department, Thiruvananthapuram, Kerala: Order dated 22 February 2007

The appellant had sought new information in the appeal stage. The Commission observed that *there is no scope for change of requirement and thrusting in additional information in the appeal and that is outside the scope of the appeal itself. An appeal is only a continuation of the original proceedings and not the beginning of a new one.*

Ref: A.P. No. 685(5)/2008/SIC (File No. 6451/SIC-G3/2008): Sri. C.R. Sudarsanan vs. directorate of employment: Appeal petition u/s. 19(3) of RTI: Order dated 26 March 2009

The appellant asked for information on peons in National Employment Service. Though the PIO provided the requested information, the appellant was not satisfied with it and filed first appeal. The appeal was rejected by the authority because all the information available with the public authority was provided to the appellant. The appellant's dissatisfaction was based on the non-availability of information, which he had not asked for in his original RTI application made to the public Information Officer. The Commission observed that the appellant asked for new information in the appeal stage, which was not requested for in the original RTI application. The commission ordered that the *appellant is not entitled to ask for new information during the appeal stage itself.*

Ref: AP.20/2007/SIC.(No.4575/SIC-Gen/2006): Shri.Tony Thomas Vs. Forest department, Kerala: Order dated 9 May 2007

Four respondents involved. Delay of 5 months in providing info due to mindless transfer of application between the respondents. Finally, information was given by appellate authority, which is not according to RTI rules. Information is to be provided by PIO. Appellate authority is supposed to dispose off the appeal and not provide information.

Maharashtra State Information Commission

Appeal No.2007/1047/02 (presence of appellant not required for the appeal)

Even if the Appellant is not present his say in the appeal should be taken into consideration and 1st Appeal should have been decided.