

GOA STATE INFORMATION COMMISSION

'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

Appeal No.98/SCIC/2016

Shri Amol S. Sawant,
H. No.647, Walkeshwar Wada,
Betim, Bardez –Goa. Appellant.

V/s

1) The Public Information Officer,
Dy. Collector & SDO,
Collectorate Office,
Mapusa –Goa. Respondent.

Shri Prashant S.P. Tendolkar,
State Chief Information Commissioner

Filed on: 23/05/2016

Disposed on: 08/06/2017

1) **FACTS:**

a) The appellant herein by his application, dated 16/11/2015 filed u/s 6(1) of The Right to Information Act 2005 (Act) sought certain information from the respondent No.1, PIO viz the certified copy of evidence where the office of PIO has been authorized to collect fees of Rs. 10/- per page from general public.

b) As per the appeal memo, the reply there to was received on 17/12/2015. However, as per the reply of PIO filed before First Appellate Authority, the said application was replied on 10/12/2015. According to appellant the information as sought was not furnished in time and hence the appellant filed first appeal to the respondent No.2.

...2/-

c) According to the appellant, the First Appellate Authority (FAA) by order, dated 04/02/2016 disposed the appeal with remarks that the hence forth the concerned department shall charge Rs. 5/- per page as fees.

d) It is the contention of appellant that inspite of said remark the PIO has overcharged the appellant and therefore landed before this Commission in this second appeal u/s 19(3) of the act/by way of complaint u/s 18 of the act.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 17/04/2017 filed a reply to the appeal by annexing copy of the gazette, dated 15th June 2010. When the matter was posted for arguments the PIO did not remain present. The appellant filed his synopsis of arguments.

2) **FINDINGS:**

a) I have perused the records and considered the submission of the appellant. In the present case it appears that the appellant has joined two issues. One pertaining to his application filed to the respondent authority seeking certified copies of some proceedings conducted under the Goa Land Revenue Code. According to him while issuing the certified copies of said proceedings he was overcharged and as such he invoked the Right to Information Act 2005, for seeking evidence as to know the bases on which the fees are charged.

b) While presenting the appeal, the appellant has mixed up the proceedings under the Land Revenue code and under the RTI Act and has sought certain relief from this Commission against the PIO. In doing so the appellant appears to have lost sight of

the legal position that the Commission has no jurisdiction over the proceeding under The Goa Land Revenue Code. Hence even if the appellant has over charged while issuing certified copies of proceedings under the Land Revenue Code, the Commission cannot take cognizance of the same even if a public interest is involved. Commission is not the forum to deal with the same unless they fall under the act. This appeal is filed u/s 19(3) of the Act. The proceedings has started on the bases of application, dated 16/11/2015. The earlier application which is referred to by the appellant in this appeal, being dated 09/11/2015 as referred to by the appellant in his application dated 16/11/2015, is not produced on record by appellant apparently in view of the fact that it was not filed under section 6(1) of the act. Hence in this appeal the sole application dated 16/11/2015 remains to be considered.

The point therefore which arises for my determination is whether the appellant has been furnished the information as sought by him vide his application dated 16/11/2015.

c) A perusal of said application, dated 16/11/2015 shows that after narrating the background under which the said application is filed, the ultimate requirement of the appellant as a seeker is:

“Certified copy of the evidence where your office has been authorized to collect Rs.10/- per page from general public at large by way of circular official gazette or any provision of Law”.

d) The PIO has answered the same u/s 7(1) of the act by his letter, dated 10/12/2015, which the appellant has admitted to

have received on 17/12/2015. Vide said reply the PIO has furnished to the appellant a copy of Government gazette, dated 15/06/2010 containing therein the notification issued under the Goa Land Revenue (Inspection, search and supply of copies of Land records) (Amendment) Rules 2010. The said rules, the fees payable for various types of records is tabled.

Thus by way of said gazette, the information as sought i.e. evidence showing the authority to collect Rs. 10/- per page from Public, is furnished. In other words the information as sought for is furnished to the appellant. The PIO has charged thereon Rs. 6/- as the fees at the rate of Rs. 2/- per page.

e) It is not known as to how the appellant was aggrieved by said information. It is also not known as to the how FAA held that the action of PIO in furnishing the information has been considered as action of not responding the application, u/s 6(1). The FAA by exceeding his jurisdiction has issued directions to PIO to charge fees of Rs. 5/- only on certified copy. Such an action is beyond the scope of the appeal before him. The sole issue that was required to be dealt with by FAA was whether the information is furnished or not and if not furnished, then to decide whether denial was justified. Instead of dealing with the said requirement FAA has considered a grievance of the appellant in a totally different proceeding and issued the orders to charge less fees in such proceedings..

f) Be that as it may, even in this appeal, I do not find any cause for the appellant to be aggrieved. The information as was sought by him by said application dated 16/11/2015 has been furnished and nothing remains to be decided.

g) As observed above, the appellant has mixed up the issue in an earlier proceedings under another law with his application under RTI and requires this Commission to give a finding. Such an exercise is not permissible under the act. I find no infirmity on the part of PIO in dealing with the appellant's application dated 16/11/2015 under section 6(1) of the act, and consequently I find no merits in the present appeal. In the result I proceed to dispose the present appeal with the following:

ORDER

The appeal is dismissed. Proceedings closed. Notify the parties. Pronounced in the open proceedings.

Sd/-
(Mr. Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa