

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 98/2023/SIC

Mr. Estonio Francisco Almeida,
Vivenda Almeida,
H. No. 91, Santissimo Vaddo,
Taleigao, Ilhas-Goa.

-----Appellant

v/s

1. The Public Information Officer,
Office of the Civil Registrar,
Cum Sub Registrar, 2nd Floor,
Spaces Building, Patto,
Panaji-Goa 403001.

2. The First Appellate Authority,
Office of the District Registrar,
North & Inspector General of Societies,
4th Lift, 4th Floor, Junta House,
Panaji-Goa 403001.

-----Respondents

Relevant dates emerging from appeal:

RTI application (7 in no) filed on	: 05/08/2022
PIO replied on	: 18/08/2022
First appeal filed on	: 24/11/2022
First Appellate Authority order passed on	: 25/01/2023
Second appeal received on	: 08/03/2023
Decided on	: 07/08/2023

ORDER

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), had sought from Respondent No. 1, Public Information Officer (PIO) certified copies of seven agreements as mentioned in his applications. PIO vide reply dated 18/08/2022 requested the appellant to pay Rs. 11,560/- towards the information alongwith seven non judicial stamp papers of Rs. 100/- each.
2. It is the contention of the appellant that, the PIO did not provide details of the amount to be paid, hence, he preferred first appeal before Respondent No. 2, First Appellate Authority (FAA). FAA while disposing the appeal directed the PIO to provide the information by charging Rs. 10/- per page, as per notification no. 8/90/2022-LD (Est.) 1111 dated 07/06/2020 via article XIII clause (b). Being aggrieved by the said order, the appellant has appeared before the Commission by way of second appeal.

3. The concerned parties were notified and the matter was taken up for hearing. Pursuant to the notice Shri. Nazario Savio D'Souza appeared on behalf of the appellant, under the authority letter and filed submission dated 19/06/2023 and 17/07/2023. Smt. Maria Aquila Filomena Araujo, PIO appeared and filed reply dated 05/05/2023. Shri. V.T. Hadkonkar, FAA appeared and filed submission on 06/06/2023.
4. It is seen that the appellant vide seven separate applications dated 05/08/2022 had sought for certified copies of seven agreements and the FAA had granted leave to the appellant to club all seven applications into a single appeal. Similarly, the Commission holds that it is appropriate to club together all seven applications into a single appeal so as to avoid duplication since the information sought and the decision of the PIO is alike with respect to all seven applications. Thus, the order in the instant appeal matter will address and settle issue pertaining to all seven applications.
5. According to the appellant, the information should be furnished to him at the rate of Rs. 2 per page, however, PIO has asked him to pay Rs. 11,560/- towards the information alongwith seven non judicial stamp papers of Rs. 100/-each. That, the PIO did not provide any details of fees of Rs. 11,560/- nor total number of pages were informed to him. Also, he fails to understand the purpose of seven non judicial stamp papers, when the information has been sought under the Act.

Appellant further submitted that, the FAA while deciding the first appeal has failed to consider appellant's prayers and passed a bias order against the appellant. Further, FAA has failed to address the issue of seven non judicial stamp papers, as sought by the PIO.

6. PIO stated that, the fees were worked out as per the Notification No. DI/INF/RTI/BILL/05/5275 dated 04/02/2008 which works out to be Rs. 11, 560/-. As per the system followed by the authority, once the certified copy of any document under Sub Registry which needs to be issued is auto generated along with the fees in the system. Further, after paying the prescribed fees a certificate is printed on the stamp paper of each document, i.e. seven certified copies to authenticate the documents. Hence, the appellant is required to pay Rs. 11,560/- towards the information and seven non judicial stamp papers of Rs. 100/- each to make certified copies.
7. FAA submitted that, after hearing he has passed appropriate order and informed the appellant that he is required to pay Rs. 10/- per

page as provided under Goa Right to Information (Regulation of fees and Costs Rules, 2006 (Rule 4). The said charges are applicable as per Notification No. 8/90/2020-LD (Est.) 1111 dated 07/06/2021 via article XIII clause (b), published in the official Gazette of Government of Goa dated 17/06/2021.

8. The Commission has perused the records of the present matter and heard both the sides. Upon careful perusal, the Commission observes that the issue here is with respect to the fees to be charged against the information, and whether the appellant is required to provide seven non judicial stamp papers of Rs. 100/- each to the PIO. PIO has not denied the information, had responded within the stipulated period. However, Section 7 (3) (a) of the Act requires the PIO to provide details of the fees to be charged and PIO in the present matter did not provide detailed breakup of the fees.
9. Rule 4 of the Goa Right to Information (Regulation of Fee and Cost) (Second Amendment) Rules, 2008, reads as below:-

“4. Fees under other rules:- Notwithstanding anything contained in these rules, in case any higher fee then specified above is laid down by any, Rules framed under any other law for time being in force for inspection, search of documents/records etc. or supply of certified copies or certified extract thereof such higher fee as specified under the relevant Rules shall be charged for such inspection, search or supply of certified copies or certified extracts thereof, as the case may be.”

These Rules have been framed under the delegated power under section 27 of the RTI Act; which empowers the State Government to make rules for the Public Authority under its control. The said rule has come into force on 4th February, 2008. Bare reading of the rules, reveals that if there is a provision for a higher fee for inspection, and supply of copies, specified under the relevant rules of the department, such higher fees will be charged.

Hence, the Rules framed under the Registration Act, 1908 (16 of 1908) read with Section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), allow charging of higher fees for such purpose.

Since the Rules framed under the Right to Information Act, 2005, allow prescribing higher fees under such specific Rules, under different Legislations, higher fees are within the ambit of the Rules itself.

10. In a similar matter the High Court of Bombay at Goa in Writ Petition No. 283/2015 (Vishal Gajanan Naik v/s the State of Goa) has stated:-

"A perusal of the provisions of Section 27 of the RTI Act makes it clear that the Appropriate Government has powers to frame Rules for specific purposes, including costs for supplying copies of the documents, as well as the fees required to be charged for supplying such information. In exercise of such powers, Rule 4 has been introduced by the Notification dated 4th February, 2008. As such, the contention of the petitioner that the Rules have been framed without any authority under the RTI Act, cannot be accepted."

11. In the background of the Rules notified by the authority as authorised by the Government of Goa, the Commission holds that the appellant is required to pay Rs. 10/- per page for the information sought by him. Similarly, the above mentioned judgement of Hon'ble High Court of Bombay at Goa indicate that the order dated 25/01/2023 passed by the FAA directing PIO to furnish the information by charging Rs. 10/- per page is in tune with the provisions of the Act and the Rules framed thereunder.
12. However, it is seen that the PIO vide her reply had not provided detailed breakup of the fees and the total number of pages/ copies of the information. Thus, as provided by law, the PIO is required to inform appellant the total number of pages/ copies of the information. Also, it is wrong on the part of the PIO to ask for seven non judicial stamp papers in order to print seven certificates. The PIO is mandated to provide only the certified copies of the information sought by the appellant, i.e. certified copies of the seven agreements mentioned in the applications, as available in her records and the Act does not require the PIO to print certificate for each agreement. Hence, PIO under the Act is not authorised to issue anything beyond the information sought by the appellant and also, not authorised to charge any amount other than the fees for supplying the information.
13. In the light of above discussion, the present appeal is disposed with the following order:-
- a) PIO is directed to inform the appellant the total number of pages / copies and the amount payable with respect to the information sought vide application dated 05/08/2022, within 05 days from the receipt of this order.

- b) Appellant, if desires to receive the information, may pay the requisite charges to the PIO, within 05 days from the receipt of the communication from the PIO.
- c) PIO is directed to furnish the said information within 05 days from the receipt of the payment from the appellant.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

Sanjay N. Dhavalikar

State Information Commissioner
Goa State Information Commission,
Panaji-Goa.