

GOA STATE INFORMATION COMMISSION
"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
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Appeal No. 91/2025/SCIC

Shri. Sakharam Yeshwant Patekar,
Oshalbag, Dhargal,
Pernem-Goa 403513. -----Appellant

V/s

1.The Public Information Officer,
Inspector of Survey & Land Records,
Pernem-Goa.
2.The First Appellate Authority,
Superintendent of Survey & Land Records,
Panaji-Goa. -----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	- 06-01-2025
PIO replied on	- 13-01-2025
First Appeal filed on	- 18-01-2025
First Appellate order on	- Nil
Second appeal received on	- 08-04-2025
Decision of the Second Appeal on	- 03-06-2025

Information sought and background of the Appeal

- Shri. Sakharam Yeshwant Patekar filed an application dated 06/01/2025 to the PIO, Inspector of Survey & Land Records, Pernem seeking to furnish *Certified copy of the Action Taken Report on his application dated 01/04/2024.*
- In response to the application, PIO vide letter dated 13/01/2025 replied as under :

"With reference to your application dated 06/01/2025 on the above cited subject, it is informed that copies as desired by you are kept ready in this office and may be collected on depositing Rs. 52/- (certified pages 52 x 1) in this office on any working day during office hours i.e. between 9.30 a.m. to 12.30 p.m. & 2.00 p.m. to 4.00 p.m.

This rate is as per the Notification No. 26/13/2016-RD/513 dated 16/03/2018 published in Official Gazette Serial I No. 52 dated 29/03/2018".

3. Documents available with the present appeal shows that Appellant had collected the information by paying the said amount of Rs.52/- vide Receipt No. ISLRE 1601202525.
4. Subsequently, Appellant filed first appeal dated 18/01/2025 before the First Appellate Authority (Superintendent of Land & Survey Records, Panaji) stating that :
 - i. Respondent PIO has acted in contravention of Section 7(5) of the RTI Act by imposing an excessive and arbitrary fee of Rs.52/- which substantially exceeds the prescribed rate of Rs.2 per page as stipulated under Rule 4 of the RTI Rules 2012.
 - ii. Respondent PIO has failed to provide any rational basis or detailed calculation for the imposed fee structure, which demonstrates lack of transparency and accountability in the fee determination process.
 - iii. Conduct of the Respondent PIO falls within the ambit of penalty under Section 20(1) of the Act.
5. Appellant prayed to the FAA to recalculate the fees strictly in accordance with Rule 4 of the RTI Rules 2012, initiate appropriate disciplinary proceedings against Respondent PIO for charging excessive fees, misuse of authority and to issue necessary directions to ensure future compliance with prescribed fee rates and transparency in fee calculations.
6. Appeal doesn't carry the copy of the order passed by the FAA even though the copy of the notice served to the Appellant reveals that the hearing in the first appeal was fixed on 31/01/2025 before the FAA.
7. Appellant then approached the Commission with Second appeal dated 08/04/2025 which stated that-
 - i. The Respondent PIO has acted in contravention of Section 7(5) of the Act by imposing an excessive and arbitrary fee of Rs.52/- against the prescribed fee of Rs.2/- per page.
 - ii. Respondent PIO has failed to provide any rational basis or detailed calculations for the imposed fee structure.
 - iii. FAA has failed to address the issues raised in the First appeal effectively.

8. Appellant in the present appeal prayed-

- i. To set aside the demand of Rs.52/- and direct the Respondent PIO to recalculate fees strictly in accordance with Rule 4 of RTI Rules 2012.
- ii. Direct the Respondent PIO to refund the excess amount charged from the Appellant.
- iii. Impose penalty against Respondent PIO u/s 20(1) of the Act.
- iv. Issue necessary directions to ensure future compliance with prescribed fee rates and transparency in calculation.
- v. Award compensation to the Appellant.

Facts Emerging in Course of Hearing

9. Pursuant to the present appeal filed by the Appellant, parties were notified fixing the matter for hearing on 03/06/2025 for which Appellant appeared in person and Respondent PIO was represented by Shri. Amog Shetgaonkar, Field Surveyor, with authority letter.

Respondent PIO's authorised person filed written submission dated 29/05/2025 stating that :

- i. Appellant had requested for certified copy under RTI Act of any status or action taken on his application dated 01/11/2024.
- ii. Accordingly, information i.e. Certified copy of file noting with reference to application dated 01/11/2024 containing 1 page was prepared and vide letter dated 13/01/2025 applicant was requested to deposit Rs.52/- to collect the information.
- iii. The amount (Rs.52/-) charged was as per notification No.26/13/2016-RD/513 dated 16/03/2018 published in official Gazette Serial No.I 52 dated 29/03/2018, i.e. Rs. 50/- per page of certified copy of records and additional Rs. 2/- for A 3 size of paper.
- iv. Applicant paid Rs.52/- Vide Receipt No. 202525 and collected information on 16/01/2025.
- v. With reference to the Appellant's statement in the 'grounds' for present appeal that Respondent PIO has acted in contravention of Section 7(5) of the RTI Act by imposing an excessive and arbitrary fee of Rs.52/- which substantially exceeds the prescribed fee of Rs.2/- per page as stipulated under Rule 4 of the RTI Rules 2012, it is submitted that the fees are charged as per the Rule 4 of Goa Right to Information (Regulation of fee

and cost) (Second Amendment) Rules 2008 and notification dated 4th February 2008.

- vi. As the Department of Directorate of Settlement and Land Records has its free structure as per the notification dated 16/03/2018 published in official Gazette Serial No. 52 dated 29/03/2018, Appellant was directed to deposit Rs.52/- i.e. for 01 page as per item No. 18, for every true copy of certified copy Rs.50/- plus cost of the xerox extra.
- vii. As the information was provided to the Appellant within prescribed time limit and also the fee was charged in accordance with Rules framed under RTI, PIO has not violated any RTI Act/Rules.
- viii. Appellant submitted that the Respondent PIO has violated the provisions of RTI Act, 2005 by excessively and arbitrarily charging Rs.52/- for a single page information(1 page Certified copy).

Commission's Observations

Considering the above mentioned facts and circumstances, Commission is of the view that :

- i. The fee charged (Rs.52) by the Respondent PIO for furnishing one-page information (certified copy of a note sheet) excessive and not in accordance with the fee and cost specified by the RTI Act, 2005 and the Right to Information Rules 2012.
- ii. Respondent PIO shall refer Section 6(1) 7(1), 7(3) (a), proviso to T (5) and 7 (6) which provides for payment of fees and or cost for seeking information.
- iii. Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), New Delhi has issued instructions from time to time prescribing the fees and cost payable by the RTI applicant and mode thereof. All these instructions have been consolidated in Rules 3, 4, 5 and 6 of The Right to Information Rules, 2012 published in the Gazette of India, Extra., Part-II, Section 3(i), No. 390 dated 31 July 2012.
- iv. Extract of relevant Rules 3 to 6 are summarised below:
The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the

applicant by the PIO. As prescribed by the Right to Information Rules, 2012, Rates of fee as prescribed in the Rules are given below:

- a. Rupees two (Rs.2/-) for each page (in A-3 or smaller size paper);
 - b. Actual cost or price of a photocopy in larger size paper;
 - c. Actual cost or price for samples or models;
 - d. Rupees fifty (Rs.50/-) per diskette or floppy; and
 - e. Price fixed for a publication or rupees two per page photocopy for extracts from the publication.
 - f. So much of postal charges involved in supply of information that exceeds fifty rupees.
- v. Copy of the page of Notification filed by the Respondent PIO containing details of the fees prescribed in the Government of Goa, Official Gazette, Series I, No. 52 dated 29th March 2018 appears to be the fees to be paid by the service seekers to the Survey and Land Records Department for various services and not for the information provided to the information seekers under RTI. The Notification provides details of fee such as Rs. 1000/- for Taluka Map, Rs. 2000 for District Map, Rs. 100/- per copy of cadastral plans etc.

DECISION

Since the Respondent PIO has charged exorbitant fee (Rs. 52/- instead of Rs.2/-) from the Appellant in the present appeal, Commission disposed off the Appeal today i.e. 03/05/2025 with the following directions to the Respondent PIO.

- i. Refund Rs. 50/- to the Appellant through appropriate mode within 15 days from the receipt of this order and file compliance report to the Commission.**
- ii. Ensure that henceforth fees are charged from the information seekers solely in accordance with the Section 6(1), 7(1), 7(3) (a), Proviso to 7(5) and 7(6) of the RTI Act, 2005 and Rules 3,4,5 and 6 of the Right to Information Rules 2012.**

- iii. **File an explanation as to why disciplinary proceeding should not be recommended against you, being the PIO/Inspector of Survey & Land Records, Pernem for charging excessively from the information seeker violating the concerned provisions laid down in the RTI Act, 2005 and RTI Rules 2012.**

Explanation should reach the Commission within 15 days from the receipt of the order.

- iv. **Chief Secretary, Government of Goa may issue Circular/Order/Notification directing all Public Authorities under the State Government to strictly adhere to the Sections and provisions laid down in the RTI Act, 2005 and RTI Rules 2012 with regard to the fee to be charged from the information seekers.**

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.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVINDKUMAR H. NAIR)
State Chief Information Commissioner, GSIC