

GOA INFORMATION COMMISSION

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

Appeal No. 83/SCIC/2008

Dr. Vijayraj Desai,
G-7, 'C' Building, Kurtarkar Township,
Ambaji, Margao – Goa. 403602.

..... Appellant.

V/s.

1. Public Information Officer,
The Medical Superintendent,
Goa Medical College and Hospital,
Bambolim – Goa.
2. First Appellate Authority,
The Dean,
Goa Medical College,
Bambolim – Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 01/12/2008.

Both the parties absent.

ORDER

The Appellant has applied for information on 26 questions containing number of sub-questions under the Right to Information Act, 2005 (for short the RTI Act). The request itself runs into 16 pages and requires collection from a number of authorities within the Goa Medical College. Accordingly, by his letter dated 19/05/2008, the Public Information Officer has requested the Appellant to deposit Rs.3000/- as advance fee for furnishing the information. The exact amount was not calculated. On a first appeal having been made on 29/05/2008 to the Respondent No. 2, no order was passed by the later. However, a further letter was issued by the Public Information Officer on 5/6/2008 maintaining his earlier stand and requesting the Appellant to deposit Rs.3000/- as an advance under section 7(3)(a) of the RTI Act. Subsequently, on 21/8/2008, the Appellant filed this second appeal, among other things, alleging that he is entitled for information free of cost under section 7(6) of the RTI Act and Public Information Officer did not inform him the details how the amount of Rs.3000/- was arrived at. He has even calculated his own amount of Rs.500/- as further fees and informed to the First Appellate Authority in his first appeal, though in

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this second appeal, he is praying for the information to be given to him free of cost.

2. Notices were issued by the Commission on 28/08/2008 and a number of dates were fixed for hearing, namely, 15/09/08, 29/09/2008, 14/10/2008 and 21/10/2008. Neither the Appellant nor the Public Information Officer were present during the hearings. However, the Public Information Officer has submitted his reply to this Commission by post stating that as the Appellant did not pay the cost of the documents, he was not given the information. He submitted further that the information was gathered by him and is now ready and even enclosed copies of the information available with him.

3. The contention of the Appellant that the Appellant is entitled for the information free of cost under section 7(6) of the RTI Act is not correct. Similarly, the letter of the Public Information Officer asking him to deposit an amount of Rs.3000/- pending the actual calculation of the fees payable by the Appellant under section 7(3)(a) of the RTI Act is also not correct. No doubt, the Public Information Officer is entitled to insist and take the payment of cost of providing the information and provide the information only after the deposit of fees in advance by the citizen. However, we have held in a number of cases, time and again, that the Public Information Officer has to inform the citizens the calculation made to arrive at in accordance with the fees prescribed under the rules made by the competent authority, in this case, the Goa Government. A plain reading of the sub-section itself, reveals that the period intervening between the dispatch of said letter and the time taken by the citizen to actually pay further fees shall be excluded from the statutory period of 30 days allowed to the Public Information Officer to furnish the information. The Public Information Officer has not done so, though the information is voluminous. He did not inform the Appellant as to how much money is payable by the Appellant, for how many pages and the cost of the CDs as well as the printed information if any. He, therefore, cannot lay the blame at the doorstep of the Appellant. On the other hand, the Appellant also cannot insist on supply of information free of cost as per section 7(6) of the RTI Act. The sub-section was also interpreted by this Commission a number of times. The sub-section says that the citizen is entitled for information free of cost only if the information requested by the citizens is in respect of the

documents referred under sub-section (5) of section 7, namely, the printed documents and printouts of electronic data. The position would be clear if both section 7(5) together with its proviso and section 7(6) are read together. Here, I do not know if there is any such information requested by the Appellant. If so, he is entitled for only such information free of cost. In respect of other information, he has to pay the prescribed fees even if the Public Information Officer did not inform him the detailed calculation of further fees payable by him within 30 days.

4. As now the information is said to be available with the Public Information Officer, he is directed to inform the Appellant the exact cost of such information within the next 7 days after receipt of this order and thereafter furnish the same after the Appellant pays the amount. If he does not pay, the information need not be given.

5. With this reasoning, the appeal is partly allowed. The prayer of the Appellant for compensating him and also providing him the information free of charge is rejected. This order may be communicated by post to all the parties, including to the Dean, Goa Medical College who did not decide the first appeal.

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

