

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri Afonso Araujo, State Information Commissioner

**Appeal No. 249/2008**  
**&**  
**Appeal No. 250/2008**

Shri Kashinath Shetye,  
Bambino Building, Alto Fondvem,  
Ribandar,  
Tiswadi – Goa

... Appellant.

V/s.

1) The Public Information Officer,  
Member Secretary,  
Goa State Pollution Control Board,  
Patto,  
Panaji – Goa

... Respondent No. 1.

2) The First Appellate Authority,  
Chairman,  
Goa State Pollution Control Board,  
Patto,  
Panaji – Goa

... Respondent No. 2.

Appellant alongwith Adv. P. Prabhu.  
Adv. D. Lawande for the Respondents.

**COMMON JUDGMENT**

(Per Afonso Araujo)

Since the same parties are involved, both the Appeal No. 249/2008 and Appeal No. 250/2008 are decided by a common judgment.

2. The information sought by the Appellant under the Right to Information Act, 2005 (for short the 'RTI Act'), the Respondent No. 1 decided the application and directed the Appellant to make payment towards cost of the information provided, in the Bank indicated by the Respondent No. 1. The only grievance of the Appellant is that the Respondent No. 1 ought to have accepted the cash by way of payment of cost of the information in the office itself rather than directing the Appellant to make such payment in the Bank.

...2/-

3. The payment of fees under RTI Act is required to be done at the time of making the request for information u/s. 6(1) of the RTI Act and at the time of disposal of the request u/s. 7 of the RTI Act. Section 6(1) of the RTI says that a person to obtain any information has to make a request in writing accompanied with such fees as may be prescribed. Rule 3(1) of Goa Right to Information (Regulation of Fees and Cost) Rules, 2006 (hereafter referred as 'the said Rules') prescribed Rs. 10/- as accompanying fee by way of cash against proper receipt or by affixing a Court fee stamp of Rs. 10/- or by demand draft or by banker's cheque. When the Public Information Officer u/s. 7(1) of the RTI Act decides to provide the information, the same has to be done on payment of prescribed fees mentioned in Rule 3(2) of the said Rules and the mode of payment of fees under this Rule 3(2) is by way of cash against proper receipt or demand draft or banker's cheque at the rates mentioned at (a), (b),(c) and (d) of Rule 3(2).

4. The payment of further fees contemplated u/s. 7(3) of the RTI Act is on the same lines of section 7(1) of the RTI Act and the mode of payment is as prescribed under Rule 3(2) of the RTI Act. Under section 7(5) of the RTI Act, fees are to be paid where access to information is provided in the printed or in any electronic format and the under Rule 3(3) mode of payment is by way of cash against proper receipt or by demand draft or by banker's cheque at the rates mentioned at (a) and (b) of Rule 3. Except the initial payment of fees which can be done by affixing Court fee of Rs. 10/-, the payment of fees by way of cash is the most practical mode of payment to be done when fees are to be paid u/s. 7(1), 7(3) and 7(5) of the RTI Act.

5. The contention of the Respondent No. 1 is that due to the shortage of staff it is practically difficult to appoint staff exclusively to receive the cash for payments made for the information under RTI Act and also the chances of misappropriation cannot be ruled out.

The difficulties and apprehension of the Respondent No. 1 are well-found. In fact when there is a shortage of Staff it will be difficult to appoint a person exclusively only for receipt of cash. Besides, irregularities in accounts can crop up. But the RTI Act being beneficial legislation, endeavour has to be made that any information seeker should not be put to inconvenience for making the payment of the fees for obtaining information. The Public Authorities in true spirit of the RTI Act as far as possible to simplify the procedure for the mode of payment of fees by accepting cash within the premises of the Department. With these observations, the Appeal is disposed off.

Pronounced on this 25<sup>th</sup> day of March, 2010.

**Sd/-**  
**(Afonso Araujo)**  
**State Information Commissioner**