

GOA INFORMATION COMMISSION

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

Appeal No. 140/2007/Excise

Mrs. Sanyogita Kashinath Shetye,
Rabino Building, Alto – Fondrem,
Ribandar, Tiswadi – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Assistant Commissioner of Excise,
Office of the Commissioner of Excise,
Panaji - Goa.
2. First Appellate Authority,
The Commissioner of Excise,
Office of the Commissioner of Excise,
Panaji - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Dated: 08/05/2008.

Shri. Kashinath J. Shetye, authorized representative for the Appellant present.
Adv. K. L. Bhagat for both the Respondents.

ORDER

The short point in this second appeal is whether the approximate amount of Rs.18,000/- requested to be deposited by the Appellant is valid and non-payment by the Appellant is a valid ground for the rejection of the information under the Right to Information Act, 2005 (for short the RTI Act). Notices were issued and replies were filed by both the Respondents. The Appellant is absent at the time of arguments. However, Adv. K. L. Bhagat was heard on behalf of the Respondents.

2. Section 6(1) of the RTI Act provides for an application to be made by a citizen who wants certain information from the public authority. Such an application has to be in writing or through electronic means in English, Hindi or the official language of the area in which the application is made. The application had to accompany such fees as is prescribed. This is called the application fee and is Rs.10/- as prescribed by the Government of Goa. This amount has to be paid alongwith application either in cash or by Banker's Cheque or by Demand Draft or by court fee stamp affixed on application itself. No specific form of application has been prescribed either under the Act or by the Goa Government. While particulars of the information have to be specified by the citizens, there is no bar in seeking information either in respect of a period of time or quantum of information. However, certain information maintained on the record of the public authority can be withheld by the Public Information Officer as mentioned in

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sections 8 and 9 of the RTI Act. The information has to be given "as expeditiously as possible" as per sub-section (1) of section 7 thereof and in any case not later than 30 days from the date of the receipt of the request. Before actually giving the information, cost of information has to be recovered by the public authority under section 7(3) thereof. The cost of providing the information has been prescribed by the competent authority, the Goa Government, as Rs.2/- for per photocopy of one page. If the actual cost of a particular document is higher than Rs.2/- per page, such higher cost would be collected by the Public Information Officer before giving the information. The amount so payable by a citizen under section 7(3) of the Act has to be calculated by the Public Information Officer in advance and informed to the citizen. The time taken by the citizen to pay such fees is excluded from the maximum time of 30 days available to the Public Information Officer.

3. It is clear, therefore, from the above discussion that the Public Information Officer has to inform cost of providing the information to the citizen which has been calculated at Rs.18,000/- by the Respondent No. 1 in this case. However, he did not send any detailed calculation sheet to the Appellant. The case of the Respondent No. 1 is that a specific period for which the information is requested is not mentioned by the Appellant. The information is spread all over of the subordinate offices of the Department as it relates to all the bar licences issued from 1998 with the names of the persons, objections raised therein etc. The information asked also pertains to each order rejecting each application since 1998, total amount of revenue collected by way of taxes and similar matters. As the information is huge and voluminous, the Public Information Officer calculated it around Rs.18,000/- though the details are not provided to the Appellant. We have no reason to disbelieve the Respondent No. 1 about his calculations. In any case, he has offered to refund the excess amount if any deposited by the Appellant at the time of furnishing the documents. It is also true that apart from actual photocopying of the document there is an effort to search, call for the information from various subordinate offices and compile the same at one place. This will involve huge cost in terms of man hours spent as well as the time spent by the officials of the Department which is, by the way, not charged to Appellant. On the other hand, if the information is kept ready and if it is not collected by the Appellant, it results in huge loss to the Government. We, therefore, see no merit in the appeal. If the Appellant wants the information, she has to deposit the amount requested by the Public Information Officer.

4. The appeal, therefore, is dismissed as having no merit.

Pronounced in the open court on this 8th day of May, 2008.

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

Sd/-
(G. G. Kambli)
State Information Commissioner

