

The Goa State Information Commission

Complaint No. 16

Ligorio Pereira
H. No. 40, Acsona,
Utorda, Salcete – Goa.

..... Complainant

V/s.

Public Information Officer,
Town Planner,
South Goa, Margao.

..... Opponent

CORAM : A. Venkataratnam., SCIC
G.G.Kambli, SIC

(Per G.G. Kambli)

Dated : 05/09/2006.

O R D E R

By this order, we will dispose off the complaint dated 18/7/2006 and 14/8/2006 of the Complainant filed against the opponent.

2. In his complaint dated 18/7/2006, the Complainant has stated that the opponent has charged Rs.10/- as inspection charges when he was not required to pay any inspection charges as he inspected the records only for 15 minutes and no fee is chargeable for the first hour of inspection.

3. The opponent filed the reply stating that the Rs.10/- has been collected as application fee and not for inspection of file. As regards the receipt issued by the office, the opponent has clarified that it has been inadvertently written as inspection charges instead of application fee.

4. Sub-section (1) of Section 6 of the Right to Information Act, 2005 (in short RTI Act) contemplates that a person who desires to obtain any information shall make a request in writing or through electronic media accompanying such fees may be prescribed. The Government has made the Goa Right to Information (Regulations of fee and cost) Rules, 2006 (hereinafter referred as the said “Rules”). In terms of Rule 3 of the Rules, a request for obtaining information under sub-section (1) of Section 6 of the RTI Act shall accompany an application fee of Rs.10/-. Sub-section (1) of Section 6 of the RTI Act makes it clear that for seeking any information under the Act application fee has to be paid as prescribed by Rules.

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- 2 -

5. The Government has also prescribed the Rules under sub-section (1) and sub-section (5) of Section 7 of the RTI Act. Separate fees have been provided for furnishing

the information under sub-section (1) of Section 7 and sub-section (5) of Section 7 of the RTI Act. As per clause (b) of sub-rule (2) of Rule 3 of the Rules, no fee for the first hour is payable for inspection of records.

6. On perusal of sub-section (1) of Section 6 of the RTI Act r/w Rule 3 of the Rules, an application fee of Rs.10/- is required to be paid alongwith the application. This application may be for obtaining the copies of the records or for inspection of records and therefore, we feel that the application fee is required to be paid even for inspection of records. Being so, we do not find any substance in the complaint dated 18/7/2006 and hence we reject the same.

7. Coming now to the second complaint dated 14/8/2006, the Complainant has stated that by 2 separate applications dated 13/7/2006 and 18/7/2006, the Complainant sought certain information from the opponent and made several visits. The Complainant alleges that the PIO told the Complainant not to visit the office and that 30 days time is available for providing the information. According to the Complainant the information has to be provided as expeditiously as possible and within 30 days from the date of the receipt of the application. The Complainant makes the grievance that opponent could have furnished the information before 30 days as the records were available and one need not wait till the outer limit provided in the Act. The Complainant also alleges that the Complainant was furnished incomplete information, as the copies of the noting sheet from pages 1 to 10 were not supplied to him without assigning any reasons. The opponent filed his reply, a copy of which was also given to the Complainant. In the reply, the opponent stated that whatever information sought by the Complainant in his both applications have been provided to the Complainant.

8. On the day of the hearing, the Complainant submitted that though the opponent has provided the information, the same is incomplete and also false. However, the Complainant could not point out which is the information furnished by the opponent is false and incomplete. It is also to be noted that the information has been furnished to the Complainant after filing the complaint before this Commission. Therefore, we are not in a position to

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- 3 -

appreciate as to which information has been furnished to the Complainant and which information is not furnished and false. The Complainant also could not satisfy us on this aspect.

9. We, therefore, reject the complaint of the Complainant with a liberty to file a fresh complaint giving details, if the Complainant so desires.

10. Both the complaints dated 18/7/2006 and 14/8/2006 stand rejected.

(G.G. Kamblı)
State Information Commissioner, GOA.

(A.Venkataratnam)
State Chief Information Commissioner, GOA.

05/09/2006.