

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/C/2010/001124/10057
Complaint No. CIC/SG/C/2010/001124

Complainant

Mr. M. Kumar,
91- G, Aram Bagh, Paharganj,
New Delhi- 110055

Respondent :

Public Information Officer,
Centralized RTI Cell, P. R. Department,
New Delhi Municipal Council,
Ground Floor, Palika Kendra,
Sansad Marg, New Delhi- 110001

Facts arising from the Complaint:

The Complainant filed a RTI application with the PIO & Joint Director (Estate- I) on 23/08/2010 asking for certain information. The Central APIO, Centralized RTI Cell, P. R. Department, vide letter dated 26/08/2010, observed that IPO of Rs. 100 was paid as RTI application fee and therefore, the original IPO of Rs. 100 was returned to the Complainant. Aggrieved by the same, the Complainant filed a Complaint under Section 18 of the RTI Act with the Commission.

Observations:

Section 6(1) of the RTI Act stipulates that a person who desires to obtain any information from a public authority shall make a request in writing along with the prescribed fees. Rule 3 of the Right to Information (Regulation of Fee and Cost) Rules, 2005 (the “**RTI Rules**”) lays down that a request for information under Section 6(1) of the RTI Act shall be accompanied by an application fee of Rs. 10 by way of cash against proper receipt or by demand draft or banker’s cheque or IPO payable to the Accounts Officer of the public authority.

In the instant case, the Complainant was required to deposit an application fee of Rs. 10 only. Where the Complainant deposited an application fee exceeding Rs. 10 for covering the expenses incurred in providing the information, the PIO was not bound to accept the same. As per the applicable law, the PIO was required to accept IPO of Rs. 10 as application fee and IPO of any other sum was liable to be returned. Further, such practice on the part of RTI applicants cannot be encouraged as PIOs cannot be asked to maintain ledgers for additional fees received from the applicants and refund them from time to time.

Decision:

The Complaint is dismissed.

Notice of this decision be given free of cost to the parties.

Shailesh Gandhi
Information Commissioner
November 16, 2010