

Central Information Commission, New Delhi
File No.CIC/SM/C/2011/000673
Right to Information Act-2005-Under Section (19)

Date of hearing : **3 April 2012**

Date of decision : **3 April 2012**

Name of the Complainant : **Shri Bindeshwar Shah,
Ward No. 6, Nagar Panchayat Dumra,
Post Dumra, Distt – Sitamarhi,
Bihar – 843 301.**

Name of the Public Authority : **CPIO, High Court of Gujarat,
Ahmedabad.**

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri P.N. Mandora, CPIO was present.

Chief Information Commissioner : **Shri Satyananda Mishra**

2. The Appellant was not present in the Sitamarhi studio of the NIC at the time of the hearing. As informed by the NIC, the Appellant or his advocate had reported earlier in the day in the studio but left before the hearing commenced. The Respondent was present in the Ahmedabad studio. We heard his submissions.

3. It appears that the Appellant had sought a number of information from the Ministry of Law and Justice. The CPIO of that ministry, while providing some of the information, had transferred one of his queries to the CPIO of the

High Court of Gujarat. Thereafter, the High Court informed the Appellant to deposit the application fee of Rs. 50 before the CPIO could respond to him, that being the fee prescribed by the Gujarat High Court. The Appellant has complained that the High Court could not have asked him for depositing any application fee since he had already deposited the application fee with the Ministry of Law and Justice earlier. On the other hand, the Respondent argued that rule 8(A)(ii) of the Gujarat High Court(Right to Information) Rules 2005 prescribed an application fee of Rs. 50 for providing any information and, therefore, they would not consider the request for information received by them on transfer as a valid request without the prescribed application fee. He offered that instead of Rs. 50, the Appellant could deposit Rs. 40 since he had already paid Rs. 10 in the Ministry of Law and Justice.

4. We carefully considered the facts of the case. The Right to Information (RTI) Act itself does not clearly state if a public authority receiving an RTI request on transfer can indeed charge any application fee separately in addition to the application fee already paid by the information seeker. Even if it is assumed for the sake of argument that it could, in this case, the cost of correspondence with the information seeker to begin with and the cost of going through the entire appellate process as is being done now would be far more expensive than the Rs. 50 application fee which the CPIO is demanding now. While technically, the CPIO may not be wrong, to save further time and money, probably, it would have been far better if he had considered the request and provided the information, in case, it is not exempted otherwise.

5. We would like to direct the CPIO to do so now and provide the information to the Appellant or pass a speaking order, in case he decides not to

disclose any information, within 10 working days of receiving this order instead of insisting on depositing of the application fee.

6. The appeal is disposed of accordingly.
7. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar