

വകുപ്പ് 6(3) പ്രകാരം അപേക്ഷ കൈമാറിക്കിട്ടുന്ന പബ്ലിക് അന്വേഷണിയിൽ ഫീസ് ഈടാക്കുന്ന രീതിയിലും ഫീസ് തുകയിലും വ്യത്യാസം ഉണ്ടെങ്കിൽ അപേക്ഷകൻ വീണ്ടും അപേക്ഷ ഫീസ് അടക്കേണ്ടതുണ്ടോ ?

നിയമസഭയിലോ പുറത്തിലോ ഇക്കാര്യത്തെക്കുറിച്ച് ചർച്ചയില്ല. സംസ്ഥാന സർക്കാർ സ്ഥാപനത്തിൽ വലിയൊരു അപേക്ഷ കേന്ദ്ര സർക്കാർ സ്ഥാപനത്തിലേക്കും തിരിച്ചും വകുപ്പ് 6(3) പ്രകാരം കൈമാറുന്ന സന്ദർഭങ്ങൾ ഉണ്ടാകാറുണ്ട്. അതുപോലെ സർക്കാർ വകുപ്പിൽ വലിയൊരു അപേക്ഷകൾ പൊതുക്കേരള സ്ഥാപനത്തിലേക്കും തിരിച്ചും വകുപ്പ് 6(3) പ്രകാരം കൈമാറുന്ന സന്ദർഭങ്ങളും ഉണ്ടാകാറുണ്ട്.

ഇപ്രകാരമുള്ള ഒരു കേസിൽ കേന്ദ്ര വിഭാഗവകാശ കമ്മീഷന്റെ നീതിക്കണ്ഠ ഇപ്രകാരമായിരുന്നു:

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