

UNIT 11

FEE AND COSTS AND EXEMPTION FROM PAYMENT

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11.1 INTRODUCTION

In the previous units you have read that the applicant before seeking any information from any public authority may itself identify that to which public authority the application of request is to be made. There is no format of the application but the applicant shall furnish some particulars so that information can be easily obtained. After receiving the application of information the PIO shall check whether the proper fee has been paid by the applicant or the applicant belongs to BPL category. The PIO shall transfer the application to the other Public authority if the desired information is not concerned to him or part of that is available to him and other part is available to other public authority. The PIO shall mention the name, designation and address of the departmental (first appellate) appellate authority in providing the information to the applicant.

In *State of Uttar Pradesh v. Raj Narain*, The Supreme Court underlined the significance of right information in the democratic system and observed that “in a government of responsibility like ours, where all agents of the public must be responsible for their conduct, these can be a few secrets.” The Right to Information Act, 2005 is the facet of human rights and acknowledged universally, it directs public authorities to disclose all information held by them subject to the conditions, accompanying such fee as may be prescribed.

The Right to information Act, 2005 provides provisions for the reasonable fee that is to be charged from the applicant and further provides that no such fee shall be charged from the persons who are below poverty line. The prescribed fee has to be determined by the appropriate Government. Fee and costs and exemptions have been discussed in this chapter.

11.2 OBJECTIVES

After reading this unit you will be able to:

- ❖ Know the provisions those provides for charging fee from the demand side.
- ❖ Know about the charges that are to be paid according to the demand made to the Public Authority.
- ❖ Learn about the exemptions from fee to the person of the below poverty line.
- ❖ Learn about the fee that is to be paid for information in various forms.
- ❖ Understand various aspects concerning fee provisions.

11.3 SUBJECT

11.3.1 Provisions of fee in the Right to Information Act, 2005

A person, seeking any information under the Right to Information Act, 2005 shall make a request to the concerned Public Authority as contemplated under section 6(1) of the Act. The Act further provides the provision of the fee that is to be accompanied with the application for seeking information under the Act.

According to Section 6(1) of the Right to Information Act, 2005, A person, who desires to obtain any information under this Act, shall make a request in writing or through

electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to-

- (a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;
- (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her :

In this part the Act states about the accompanying fee that is prescribed and the word prescribed herein denotes the meaning that is given under Section 2(g) of the Act as following,-

“Prescribed” means prescribed by the rules made under this Act by the appropriate Government or the competent authority, as the case may be;

The definition of the appropriate Government has been explained in the previous unit.

11.3.2 Provisions of extra fee in the Right to Information Act, 2005

Section 7 of the Right to Information Act, 2005 speaks for the extra fee if the decision is taken to provide the information, according to the cost determined. This section provides in detail the procedure in the case of charging extra fee. According to Section 7(3) –

Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving-

- (a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;
- (b) information concerning his or right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

In simple words when the desired information need to be charged extra fee after calculating its cost according to the prescribed rate then information in this regard shall be given to the applicant and the time period intervening between the dispatch of the said information and payment shall not be included in the mandatory time period provided by the Act. The concerning PIO demanding extra fee shall provide the calculation made by him and provide the particulars of the appellate authority to the applicant so that he may approach appellate authority in case of feeling aggrieved from said demand.

Section 7(5) enumerates provision for fee if the information is in the printed or in any electronic form as following-

Section 7(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-sections (6), pay such fee as may be prescribed:

It is to clarify here that sub section 6 states the condition when the fee shall be exempted and it is discussed below.

11.3.3 Provisions of exemption from fee in the Act.

There are two conditions provided in the Right to Information Act that exempts from taking any fee. Section 7(5) provides for the fee in case the information is in printed or in any electronic format as discussed above, but it speaks of the exemption in case of the persons who are of below poverty line as follows,-

Provided that the fee prescribed under sub-section (1) of section 6 and sub-section (1) and (5) of Section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

The other condition is where a public authority fails to comply with the time limits specified in the Act. Section 7(6) enumerates as following,-

Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

From the above sub-sections of Section 7 it is clearly revealed that two conditions are provided in the Act when fee is exempted, in brief as follows,-

- ❖ from the persons who are of below poverty line.
- ❖ where a public authority fails to supply information with the time limits specified in the Act.

11.3.4 Rules in the State of Uttarakhand prescribed for fee and Costs

In the State of Uttarakhand, Right to Information Rules 2013 have been framed and following fee and costs have been prescribed,-

- ❖ A request for obtaining information under sub- section(1) of section 6 shall be accompanied by an application fee of rupees 10 by way of cash against proper receipt or by non judicial stamp paper or treasury challan or demand draft or bankers cheque or Indian Postal Order payable to the Public Information Officer or Assistant Public Information Officer of the concern Public Authority.
- ❖ For providing the information under sub section (3) of section 7, the fee shall be charged by way of cash against proper receipt or by non judicial stamp paper or treasury challan or demand draft or bankers cheque or Indian Postal Order

payable to the Public Information Officer of the Public Authority at the following rates:-

- Rupees two for each page (in A4 or A3 size paper) created or copied; and actual charges or cost price of a copy in larger size paper;
- For inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour (or fraction thereof) ;
- Actual cost or price for samples or models.

But no fee shall be charged from the person of below poverty line.

❖ For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against proper receipt or by non judicial stamp paper or treasury challan or demand draft or bankers cheque or Indian Postal Order payable to the Public Information Officer of the Public Authority at the following rates:-

- For information provided in C.D./D.V.D. rupees twenty per C.D./D.V.D; and
- For information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

11.3.4.1 Rules for persons of below poverty line

Fee for the persons of below poverty line are as following,-

- If the desired information, belong to the applicant or his family members then the information shall be provided free of cost.
- If it belongs to another person than the applicant or his family members then 50 pages (A-4 size) or if it can be prepared in Rs. 100 then it shall be provided without any fee. If desired information is more than this limit then person of below poverty line shall be permitted to inspect records, take notes or photocopies at his own cost.

But persons of below poverty line shall have to accompany self attested copy of the BPL card along with the application.

From the above mentioned sections and rules it clear that the fee and cost are to be determined by the appropriate Government and the rules framed in this regard are also mentioned. In this regard a judgment of the CIC is important in the matter of *Abne Ingty v. CPIO, Delhi University, New Delhi*, whereby directions were issued for all the universities in India, including deemed universities and all examining bodies to provide copies of answer sheet only at a cost of Rs 2 per page and make necessary changes to their respective notifications also.

11.4 SUMMARY

The Right to information Act, 2005 enumerates provisions for the fee and cost in taking any information from public authority under this Act. The fee and cost is to be determined by the appropriate Government. On demand of extra fee, if it is required according to the information then PIO shall intimate regarding this to the applicant and show how the tendered amount from the applicant is calculated. The PIO shall mention the particulars of the appellate authority also if in case the applicant is not satisfied with the demand he may approach appellate authority. The tendered amount shall be reasonable in accordance with the rules framed by the appropriate Government. There are exemption clause also in the Right to Information Act, 2005, the two conditions are when the Public Authority fails to comply in supply of information as prescribed by the Act, then information is to be provided free of cost and the second one is when the applicant is of the below poverty line category.

11.5 GLOSSARY

Accompanying- along with

Access- obtain or retrieve

Exemption- free from an obligation

11.6 SAQS

1. Short Answer Questions-

- a) What do you mean by prescribed?
- b) In the State of Uttarakhand what are the charges prescribed for inspection of record?

2. Fill in the blanks-

- a) Prescribed is provided under Section ...of the Act.
- b) Section enumerates provision for fee if the information is in the printed or in any electronic form.

3. True and False type questions

- a) There is only one condition for exemption of fee.
(i) True, (ii) False.
- b) Persons of below poverty line shall have to accompany self attested copy of the BPL card along with the application.
(i) True, (ii) False.

11.7 REFERENCES

- a) www.aiu.ac.in/RTI_cell/CIC_SA_A_2015_901116_M_176862.pdf

b) State of Uttar Pradesh v. Raj Narain, AIR 1975SC 865

11.8 SUGGESTED READINGS

1. Dr. Neelam Kant, 2014, published by Orient Publishing Company.
2. The Right to Information Act, 2005.

11.9 TERMINAL QUESTIONS

- a) What are the provisions of fee in the RTI Act, 2005?
- b) State provisions of extra fee in the RTI Act, 2005.
- c) What are the provisions of fee prescribed in the State of Uttarakhand?

11.10 ANSWERS

SAQS

1. (a) Refer 11.3.1, (b) 11.3.4
2. (a) Section 2(g), (b) Section 7(5).
3. (a) False, (b) True

Terminal Questions and Answers

- (a) Refer 11.3.1, (b) 11.3.2 (c) 11.3.4