

വിവരാവകാശ ആക്ട് പ്രകാരം ഫീസ് നിശ്ചയിക്കാനുള്ള അധികാരം ബന്ധപ്പെട്ട **competent Authority** കൾക്ക് നൽകിയിരിക്കുകയാണ്. അതനുസരിച്ച് കേരള സർക്കാർ ഫീസ് ചട്ടം പുറപ്പെടുവിച്ചിട്ടുണ്ട് ആ ചട്ടത്തിലെ റൂൾ 4 (c) യിൽ ഇന്ത്യകാരം പറയുന്നു :

4. *Fee for providing information.* - (1) For providing information under sub-section(1) of section 7, the fee shall be charged at the following rates, namely:-

- (a) rupees two for each page in 'A4' size paper,
- (b) actual charge or cost price of the copy in larger size paper;
- (c) actual cost or price for samples or models, maps, plans etc.,

ആയതിനാൽ മുൻകൂട്ടി നിശ്ചയിച്ചിട്ടുള്ള ഫീസ് നിലവിലുണ്ടെങ്കിൽ ആ ഫീസ് ഈടാക്കാൻ അധികാരികൾക്ക് ബാധ്യതയുണ്ട്

The question that arises for consideration is whether the appellant/requester was entitled for the information, free of cost?

When the case was taken up for hearing on 11.2.2009, the appellant Shri.K.N.Natarajan was absent but was allowed to represent by his son Shri.M.S.Sajeesh Kumar. The SPIO and Sub Registrar, Shri.K.M.Pavithran had also appeared. An affidavit was also preferred by the SPIO. This is a case, wherein, the requester was admittedly a BPL who had succeeded in proving the fact that he was a person under the BPL. The demand for fees by the PIO did not specify the amount that was to be remitted by the appellant. The Appellate Authority, however, while disposing off the appeal had found that the special fees leviable by the Department will have to be remitted by the requester which he refused to remit. The simple differentiation between exemption of fee under the RTI Act for persons claiming BPL status was that for information under the RTI Act and for information that emanates as a result of the RTI Act, no fee, is to be realised. But if a departmental statute prescribes certain fee for providing information like the copy of the document from the Sub Registrar Office or copy of the BTR register etc., that departmental fee will have to be remitted by the appellant. He could not claim exemption on that ground. The SPIO is hereby directed to provide the information on payment of prescribed fee by the appellant as per the departmental norms.

With this observation the appeal petition is dismissed.

Dated this the 18th day of February, 2009.