

KIC ORDER ON LEVY OF FEES UNDER RTI :

KIC 532 COM 2008 KARNATAKA INFORMATION COMMISSION

(Sri K. S. Chinnaswamy vs. PIO & District Registrar, Jayanagara District, Bangalore)

ORDER

21-05-2008

1. Complainant is present. Respondent Sri K. Borappa, PIO and District Registrar, Jayanagara District, Bangalore, is present.
2. Complainant in his request for information dated 31-12-2007 has sought the following information:
 - (1) From 1st August 2007 to till day how many organizations societies and firms are registered in your office, provide me the information with name of the organizations / societies and firms and their addresses,
 - (2) As on this day in total how many officials / staff are working in your office, provide their name and designation and since when they are posted / working in your office and their work assignments.
3. In response, the Respondent issued intimation on 14-1-2008 seeking the payment of further fee of Rs. 840-00 towards the cost of supply of information. However, the intimation issued by the Respondent is misleading as he has not given the calculation to show that how he has arrived at the further fee payable. Thereafter, the Complainant filed a complaint to the Commission on 28-1-2008. Commission issued summons on 7-2-2008.
4. In response, the Respondent filed a report dated 5-5-2008. In his report, the Respondent has stated that intimation was issued to the Complainant to remit the further fee of Rs. 840-00 and obtain the information. Further, he states that without complying to this intimation, the Complainant has filed a complaint before the Commission so as to pressurize the Respondent to furnish the information.
5. Further, he states that the information sought by the Complainant is voluminous and this has to be searched, compiled and to be furnished to the Complainant, for which a total man-days of 8 to 10 days has to be spent along with manpower of about 3 to 4 persons. Therefore, since the information sought for was voluminous, it affects the routine work of the office, there by interrupting the work of the public. He has also stated that this would also cause lot of revenue loss to the State Government.
6. Further, he has quoted that the order of the Karnataka Information Commission in case no. KIC 213 COM 2007 i.e., Sri B. R. Rajgopal vs. DIG, Bangalore, and also the circular instructions of the IGR and Commissioner of Stamps, dated 22-9-2007 and as per the orders of the Commission and circular instructions of the IGR and Commissioner of Stamps, it is permissible to levy the copying charge of Rs. 10-00. Therefore, a sum of Rs. 640-00 towards the cost of supply of information of 64 pages has been calculated in respect 320 firms and Rs. 210-00 towards the cost of supply of information of 21pages relating to the Societies is in 21 pages all together, Rs. 850-00 in respect of information of 85 pages. Respondent states that he has not levied the search fee, but he has only indicated the copying fee as per the circular instructions issued by the IGR and Commissioner of Stamps, dated 22-9-2007, wherein it is stated that information in respect of search and copying fee and encumbrance certificates, the fee payable under the Schedule of the registration fee has to be collected under the Karnataka Societies Registration Act, 1961 and under section 9(10).
7. However, the Commission considers that it has already passed order in case no. KIC 213 COM 2007 at para no. 8 and 9 of the order, wherein it is stated that in addition to pay existing procedure for

providing information and copies of the documents, the department shall also provide the same information and copies of the documents, etc., in response to the applications made by the citizens under the RTI Act by charging the fee with the existing structure of the fee being charged including search fee, copying fee, etc., fixed by the public authority. However, it is also stated that in case the applicant feels that the fee being charged is exorbitant, he can also approach the Commission through a complaint.

8. However, the Commission does not concur with the views exercised by the Respondent with the copying charges of Rs. 10-00 collected by him as per the circular issued by the IGR and Commissioner of Stamps. Further, the intimation issued by the Respondent without calculation is misleading. Therefore, the Commission noted that in the present case, the Respondent has to photocopy the information available on the records of the public authority. It does not involve the search of the records or culling out the information for a particular period. Therefore, the Commission directs the Respondent to file a detailed written submission in this regard, within 30 days, with a copy to the Complainant. A copy of the written submission of the Respondent was handed over to the Complainant on the spot. Complainant is directed to file rejoinder if any, on the written submission as well as the detailed written submission to be filed by the Respondent.
9. The complaint is adjourned to 1-9-2008 at 3.30 pm.
10. Dictated, draft corrected, signed and pronounced in the open court, this 21st day of May 2008.

Sd/-

(K.A. THIPPESWAMY)

STATE INFORMATION COMMISSIONER