RTI: CIC Clears Clouds over Fee Payment Rules

by Tanu Sharma

New Delhi: Setting aside an earlier order, the Central Information Commission (CIC) has clarified and cleared the ambiguity over rules prescribing payment of fees for supply of information under the Act.

It held that rules framed by any public authority shall not be “dominated” by those framed under the RTI Act, with regard to prescription of fees for supply of information or desired documents as sought in the application made under the RTI.

“The commission after careful consideration holds that the statutory rules prescribed by any public authority do not get overridden by the provisions of the RTI Act,” said Chief Information Commissioner Satyanaanda Mishra, who was heading the three-member Bench in an appeal against the Ministry of Railways.

The commission made it clear with regard to payment of fees for seeking information or supply of documents, the rules prescribed by each public authority, if any shall apply.

With this decision, the commission not just cleared the ambiguity over rules to be applicable for prescribing fees for supply of information; it has even reversed an earlier order passed by the former Information Commissioner Shailesh Gandhi.

The former IC in his decision in May 2011 had ruled that in cases where methods existed prior to the RTI Act, a citizen may insist on invoking the provisions of the RTI Act to obtain the information. Leaving the decision on a citizen, Shailesh had said, “It is the citizen’s prerogative to decide under which mechanism she would like to obtain the information.”

However, to arrive at the decision, the larger Bench opined that rules framed under the RTI Act are general in nature, applicable to all kinds of applications made under the Act to seek information. The Rules made by any public authority are “Statutory in nature and specific in their application”, which does not make them overridden by the Rules made under RTI Act, opined the Bench also comprising Information Commissioners Annapurna Dixit and Deepak Sandhu.

While the RTI applicant during the hearing reiterated that information sought by him pertaining to some Railway PNR numbers, should be supplied to him by applying RTI provisions while the CPIO and Appellate Authority of the Railway Ministry insisted that information may be obtained as per the Railway Rules formulated for disclosure of information related to PNRs.

But, arriving at its decision, the Commission also considered a 2009 decision given by former CIC AN Tiwari, who had said, “It would be entirely facetious to hold that because of the presence of the RTI Act and the Rules, public authorities are completely barred from fixing the charges at which they would try to sell or disclose information.”