

**DoPT OM on the kinds of fee chargeable under Section 7(3) of the RTI Act in  
India  
May 28, 2010**

Dear all,

After a longish pause I am slipping back into my old habit of boring you all with longish comments on matters and developments related to RTI in India and other countries. Some of you have inquired about the long pause. I thank you all for your continued interest in our despatches. After recovering from a bout of illness and catching up on pending work, I am back at my keyboard with some good news.

Readers will remember that RTI activists in India had made submissions to the Central Information Commission (CIC) on how to interpret Section 7(3) of the *Right to Information Act, 2005* (RTI Act) relating to additional fees. Some public authorities were charging wages, collation and compilation charges for providing information to applicants and billing huge amounts for meeting some information requests. Some Information Commissioners in the CIC supported the collection of such charges while a few other Commissioners refused to accept that the RTI Act empowered public authorities to collect such charges. This matter was heard by a full bench of the CIC in 2009. The CIC's decision clearly stated that the public information officer may charge only such fees as is mentioned in the RTI Fee and Costing Rules, 2005. The RTI Rules allow the PIO to charge only reproduction costs and nothing more. The CIC's decision is accessible at: [http://www.humanrightsinitiative.org/programs/ai/rti/india/national/2009/email\\_alerts/cic\\_fb\\_7%283%29\\_addl\\_fee\\_case\\_cct09.pdf](http://www.humanrightsinitiative.org/programs/ai/rti/india/national/2009/email_alerts/cic_fb_7%283%29_addl_fee_case_cct09.pdf)

**On 24th May, 2010 the Department of Personnel and Training (administrative department for RTI matters in the Union Government) has issued an Office Memorandum based on this decision of the CIC in the matter of *K K Kishore v Institute of Company Secretaries and Subodh Jain v Dy. Commission of Police*. The OM is attached to this email. It is also accessible at: [http://persmin.gov.in/WriteData/CircularNotification/ScanDocument/RTI/12\\_9\\_2009-IR.pdf](http://persmin.gov.in/WriteData/CircularNotification/ScanDocument/RTI/12_9_2009-IR.pdf)**

This OM goes one step ahead and states that the PIO must not charge postal charges from applicants as it is not mentioned in the Rules. So the principle that the PIO cannot demand any fees that is not mentioned in the Rules continues to apply to this category of charges as well. The State Government of Maharashtra for example, mentions in the Rules itself that the applicant must pay postage charges also. In Maharashtra if the State PIO charges postage then that is legal but nowhere else will it be legal in the absence of such a Rule. However we must persuade all State Governments that pass on the postal charges to the applicants to amend the Rules in light of the Union Government's position. There is no reason why a citizen must be taxed twice. Postal charges incurred by a public authority are anyway paid for through the budget which is based on the taxpayers' money.

**I also request all applicants to use this OM to challenge any PIO's decision to charge fees other than what is mentioned in the Rules.** I would like to congratulate all RTI users, supporters and watchers who sent submissions to the CIC in this case and thank them for their sustained support. Your hard work has resulted in the law being interpreted correctly. Now the DoPT has issued general instructions based on the CIC's decision. **This OM has been sent to the State Governments as well. So you now have the task of advocating with your State Governments to harmonise the fee rules in tune with the Central Rules.**

**In Jammu and Kashmir the RTI Rules framed in 2009 allow the PIO the discretion to charge unspecified kinds of fees in addition to reproduction costs. This Rule must now be deleted because the Rule expands upon Section 7(3) in their Act. Section 7(3) of the J&K RTI Act is a mirror version of Section 7(3) in the Central RTI Act. Friends in J&K must now take up this initiative to get the Rules amended.**

**If you would like to congratulate the DoPT for issuing an OM on this crucial matter please send your emails to:**

- Shri K G Verma, Director, DoPT at: [dirrti-dopt@nic.in](mailto:dirrti-dopt@nic.in)
- Shri Rajeev Kapoor, Joint Secretary in charge of RTI at DoPT at: [jsata@nic.in](mailto:jsata@nic.in)
- Shri Shantanu Consul, Secretary, DoPT at: [secy\\_mop@nic.in](mailto:secy_mop@nic.in)

In order to access our previous email alerts please click on: <http://www.humanrightsinitiative.org/programs/ai/rti/india/national.htm> You will find the links at the top of this web page. If you do not wish to receive email alerts please send an email to this address indicating your refusal to receive email alerts.

Thanks,

Venkatesh Nayak

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