

Maj. (Rtd.) P. M. Ravindran,  
2/18, "Aathira",  
Kalpathy-678 003.

} Appellant

Vs.

1. Public Information Officer ,  
Kerala State Pollution Control Board,  
Pattom,  
Thiruvananthapuram-695 004.
2. The Member Secretary and  
Appellate Authority,  
Kerala State Pollution Control Board,  
Pattom,  
Thiruvananthapuram-695 004.

} Respondents

ORDER

The appellant Maj (Rtd.) P. M. Ravindran, had made an application addressed to the 1st respondent, seeking certain information. The application was dated 17-7-2006 and was submitted before the State Asst. Public Information Officer in the Revenue Divisional Office, Palakkad. The Asstt. Public Information Officer in the O/o the RDO, Palakkad forwarded the application to the 1st Respondent who received the same on 31-7-2006. The first respondent demanded a fee of Rs. 40 under section 7 (1) of the RTI Act vide letter dated 26-8-2006. It was specifically stated that the required fee should be remitted as cash or as demand draft drawn in favour of Kerala State Pollution Control Board. The appellant remitted Rs. 40 in the Government Treasury on 12-9-2006 and submitted the chalan before the RDO vide letter dated 13-9-2006. The chalan was received by the 1st respondent on 4-10-2006. According to the 2nd respondent, the information was provided on 4-11-2006. The appellant again wrote to the 1st respondent vide letter dated 14-11-2006 informing that the accompaniments were not received by him. This letter was also submitted before the Asst. Public Information Officer in the office of the RDO, Palakkad and the same was received by the 1st respondent on 21-12-2006. The 1st respondent again sent documents to the appellant on 29-12-2006. Thereafter, the appellant wrote to the 1st respondent on 1-1-2007 asking for refund of the amount paid, as the information was not provided within the stipulated time limit of 30 days. This letter was also presented before the Asst. Public Information Officer, O/o the RDO, Palakkad who forwarded the same to the 1st respondent. The appellant made the first appeal before the 2nd respondent vide letter dated 23-1-2007. This was also presented before the APIO, office of the RDO., Palakkad and the same was received by the 2nd respondent on 2-3-2007. The first appeal was disposed of on 18-4-2007.

2. This appeal before the State Information Commission is dated 31-5-2007. The 2nd appeal was also submitted before the State Asst. Public Information Officer in the RDO Office, Palakkad and the same was received

by the Commission on 13-6-2007. In the 2nd appeal filed before the Commission, the appellant has sought the following relief:—

- (i) Refund of Rs. 40 paid by the appellant.
- (ii) Cost of Rs. 500 under the provisions of section 19 (8) (b) of the RTI Act.
- (iii) Impose penalties under the RTI Act.
- (iv) Specify the norms for calculating the period of 30 days specified in Section 7(1) of the RTI Act.

3. A copy of the appeal petition was forwarded to the 2nd respondent with instructions to file a detailed report to the Commission. Accordingly, the second respondent has filed a detailed report dated 16-10-2007.

4. The Commission had a detailed and meticulous examination of the appeal filed before the Commission and the report of the 2nd respondent and all other connected documents. The Commission made the following observations:—

- (i) Section 6 (1) of the RTI Act provides that a person who desires to obtain any information under the RTI Act shall make a request to the Central/State Public Information of the concerned Public Authority or Central/State Asst. Public Information Officer as the case may be. An application for information from State Pollution Control Board should have been made to the 1st respondent or the State Asst. Public Information Officer of the State Pollution Control Board and not before the Asst. Public Information Officer of another Public Authority. Sub Section (3) of section 6 of the RTI Act is applicable where an application is made to a public authority and that public authority find that the information requested is held by another Public Authority or the subject matter is more closely connected with the functions of the another Public Authority. The action of the appellant in submitting all communications addressed to the respondents and the appeal addressed to the State Information Commission, before the Asst. Public Information Officer in the RDO office Palakkad knowing that the Asst. Public Information Officer in the O/o of the RDO, Palakkad was not the designated Asst. Public Information Officer of the Kerala State Pollution Control Board or the State Information Commission is not in accordance with the Provisions of the RTI Act.
- (ii) The Government of Kerala, in exercise of the powers conferred by sub-section (1) and clauses (b) and (c) of sub-section (2) of section 27 of the Right to Information Act, 2005, have prescribed the Right to Information (Regulation of Fee and Cost) Rules, 2006. In sub-rule (3) of rule 4 of the above rules, it is provided that the fee specified in sub rules (1) and (2), shall be collected by way of cash against proper receipt or by remitting the amount in the Treasury or by demand draft or bankers' cheque or pay order payable to the concerned State Public Information Officer. The fee under rule 4 is the fee for providing the information and the Public Authority has the right to get the amount remitted in their account. While demanding the fee under Rule 4, the Public Information Officer can require the applicant to make the payment in any one of the modes prescribed under sub-rule (3) of rule 4. In the present case, while demanding the fee on 26-8-2006, it was specifically required that the fee should be remitted as cash or D. D. in favour of the State Pollution Control Board. The action of the appellant in remitting the fee for providing the information in the Government Treasury when it was specifically required by the 1st respondent that it should be remitted either by cash or DD, is against the provisions of the Kerala Right to Information

(Regulation of Fee and Cost) Rules, 2006 and therefore, it shall be deemed that the appellant had not remitted the fee for providing the information.

5. In the light of the above observations, the Commission hereby order as follows:—

- (i) Since the appellant had not made the remittance towards the cost of providing the information as per the provisions in the relevant rules, the information shall be deemed to have been given free of cost and therefore refund of the cost does not arise.
- (ii) Since the appellant had not made payment of cost of providing the information, as per rules, the respondents were not under any obligation to provide the information and therefore the other reliefs sought for in the appeal are irrelevant.

The appeal dismissed.

Dated this the 21st day of December, 2007.