

**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES-CUM-FIRST APPELLATE
AUTHORITY UNDER THE RIGHT TO INFORMATION ACT, 2005**

Present: **Tmt. P. PRIYTARSHNY,**
Registrar of Co-operative Societies-cum-
First Appellate Authority.

FA/38/2012

Thiru K. Manivannan,
57, East Street,
Bahour & Post,
Puducherry – 607 402.

>>>>> Appellant

Vs.

1. The Public Information Officer / Deputy Registrar (Audit),
Co-operative Department,
Puducherry – 605 009.

2. The Public Information Officer,
Bahour Co-operative Milk Producers' Society Ltd., P.286,
Mary Street,
Bahour & Post,
Puducherry – 607 402.

>>>>> Respondents

ORDER

(Issued under Section 19 of the Right to Information Act, 2005)

The short but interesting question that came up for determination in this first appeal is whether the appellant is entitled to claim copies of the documents at free of cost on the plea that he belongs to below poverty line category, having paid the application fee.

2. Few facts germane to this appeal filed under Section 19 of the Right to Information Act, 2005 (for short 'the Act') are necessarily to be stated.

...2/-

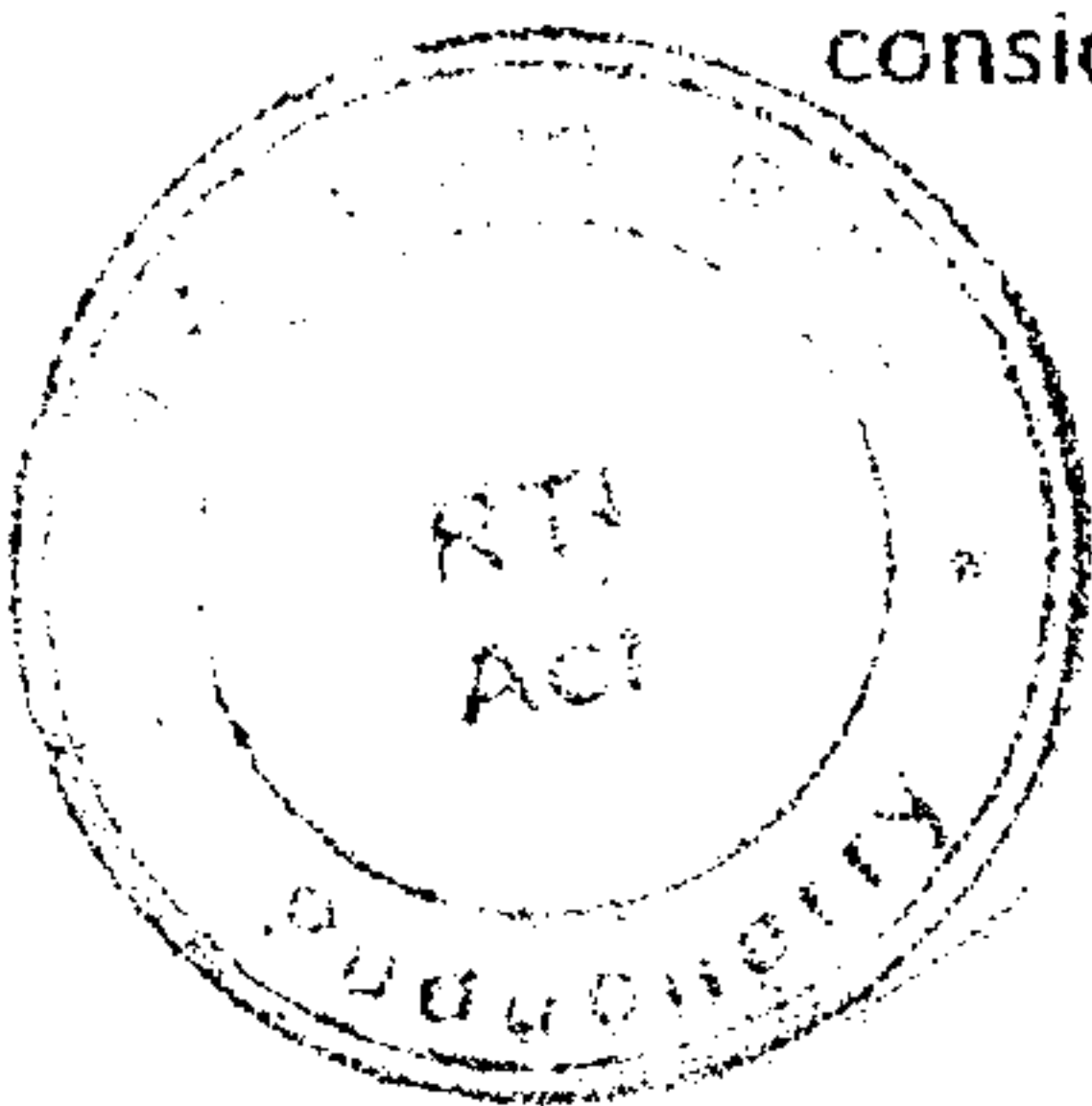


- (i) The appellant requested the Public Information Officer of the Co-operative Department to provide information in respect of Bahoor Co-operative Milk Producers' Society and his application was forwarded to the Public Information Officer of the Bahoor Co-operative Milk Producers' Society, the second respondent herein;
- (ii) The grievance of the appellant is that the second respondent has furnished some information but to provide copies of the statement of milk sent PONLAIT and the bank pass book additional fees was sought from him;
- (iii) In response to the request for payment of additional fees, the appellant has written to the first respondent stating that he belongs to below poverty line category and in tune with the provision contained in Section 6 (1) and read with Section 7 (5) he was entitled to get the copies of documents without remitting the additional fee.
- (iv) As his request was not considered, this first appeal was filed.

3. Taking the first appeal on file the second respondent filed his response, a copy of which forwarded to the appellant. It is the submission of the second respondent that having paid the application fee the applicant cannot claim exemption from paying additional fee. The second respondent was prepared to provide the required information to the appellant, if the additional fee is paid.

4. While seeking information on 13.8.2012 the appellant has affixed a court fee stamp of Rs.10/-. There is considerable force in the submission of the second respondent that the appellant / applicant having paid the application fee, cannot come out with a plea to provide the copies of the documents at free of cost on the ground that he belongs to below poverty line. He has not produced any proof of belonging to below poverty line at the time of seeking information. Having not done, in my considered opinion, he is not entitled for exemption of additional fee.

...3/-



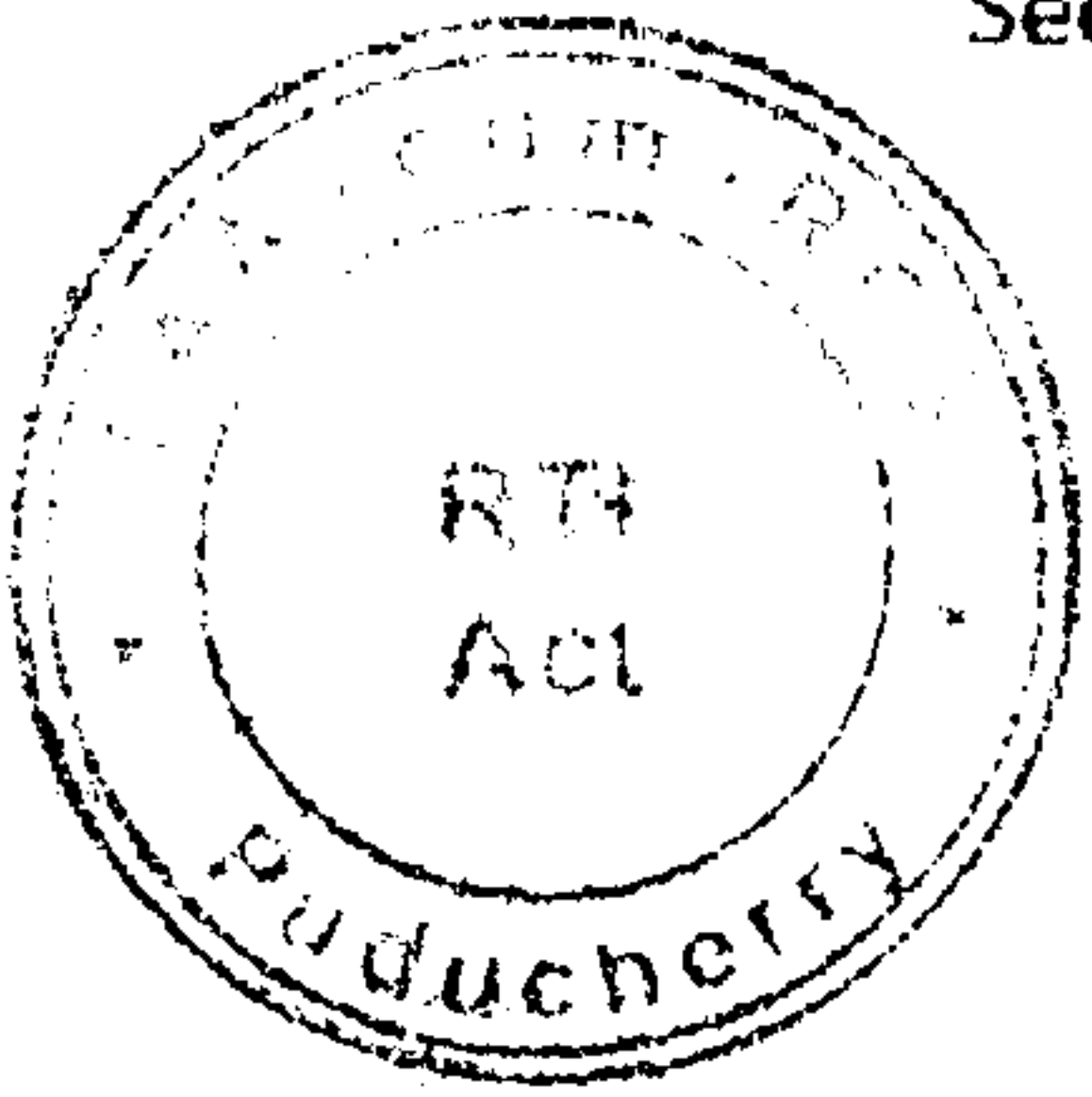
5. Rule 5 of the Right to Information Rules, 2012 provides that no fees under Rule 3 and Rule 4 shall be charged from any person who is below poverty line provided a copy of certificate issued by the appropriate Government in this regard is submitted along with the application [Emphasis added].

6. In *Onkar Nath Kapoor vs. Mr. A.S. Chauhan APIO & Administrative Office*, 2010 (1) ID 423, the Central Information Commission held that when the appellant has not produced any BPL card he does not appear to be eligible to get information free of cost on the basis of his claim of being below poverty line.

7. In light of the above legal provisions the appellant is advised to remit the additional fees and collect the copies of documents. The second respondent is directed to provide the copies of the documents to appellant within one week from the date of receipt of the additional fees.

8. The first appeal is disposed with the above directions to the parties.

9. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, 2nd Floor, B-Wing, August Kranthi Bhavan, Bhikaji Cama Place, New Delhi – 110 066 within ninety (90) days, as provided in sub-section (3) of Section 19.



Dated this 31st day of October, 2012.

P. Priyadarshini
(P. PRIYATARSHNY)
REGISTRAR OF CO-OPERATIVE SOCIETIES

Encl.: As stated.

To

The Parties.