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**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/23/2013

Thiru M.J. Ramesh,
N.15-C, Kambatham Street,
Mannadipet & P.O.,
Puducherry – 605 501.

>>>>>

Appellant

Vs.

The Public Information Officer,
Puducherry Co-operative Sugar Mills Ltd., No. P. 315,
Lingareddipalayam,
Katterikuppam Post,
Puducherry – 605 502.

>>>>>

Respondent

ORDER

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

The intriguing question that comes up for decision in this first appeal, filed under Section 19 of the Right to Information Act, 2005, is whether the appellant is entitled to claim copies of documents at free of cost on the plea that he belongs to below poverty line category, having paid the application fee.

2. The facts germane to this appeal may be stated thus :-

2.1. Vide his application dated 10-6-2013, the appellant / applicant sought information from the respondent on a host of matters. He paid the application fee of ₹ 10/- by way of Court fee stamp.



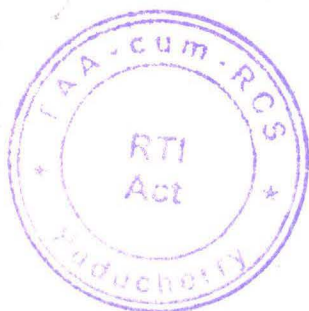
...2/-

- 2.2. A letter dated 17-7-2013 was sent to the appellant / applicant intimating that the cost of documents sought for would be around ₹ 60,000/- and hence the appellant was requested to come over to the office on prior appointment for inspection of documents. On specifying the documents, copies would be made available on payment of charges.
- 2.3. On receipt of the letter the appellant, vide letter dated 26-7-2013, wrote to the respondent stating that he is living below poverty line and hence all information and copy of the documents are to be provided free of cost to him. To substantiate his claim, he enclosed an income certificate from Taluk Office, Villianur, certifying that his income during the year 2012-13 was ₹ 24,000/-.
- 2.4. No response appears to have been sent by the respondent to this letter. The appellant came by way of first appeal.

3. Taking the appeal on file, the respondent was directed to file his response. A copy of the response is forwarded to the appellant.

4. In his response, the respondent has submitted that though the appellant was requested to come over for verification of documents, the appellant did not avail the opportunity but instead he submitted that the information should be provided to him free of cost. The Mill cannot afford to provide the documents to the value of ₹ 60,000/- free of cost. The respondent, therefore, requested to advice the appellant to approach the Mill for verification of documents and for getting the documents on payment of cost.

...3/-



5. The short question for determination is whether the appellant is entitled to get the copies of the documents at free of cost, having paid the application fee of ₹ 10/-.

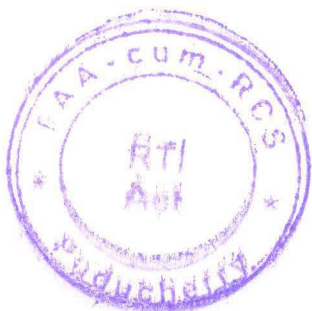
6. Rule 5 of the Right to Information Rules 2012 provides that no fees under Rule 3 and Rule 4 shall be charged from any person who is below poverty line provided a copy of the certificate issued by the appropriate Government in this regard is submitted along with the application (emphasis added).

7. The appellant, in the instant case, has not furnished the copy of his income certificate while submitting his application, but on hearing from the respondent that the documents would cost around ₹ 60,000/-, he has produced the income certificate and insisted for getting the documents at free of cost.

8. The intention of the legislature to provide access of information at free of cost to the person living below poverty line cannot be used as a tool to get voluminous documents at huge cost of the respondent, in this case around ₹ 60,000/-. As rightly claimed by the respondent, this will cost severe financial strain on the respondent and therefore an ideal situation for invoking Section 7(9) of the Act.

9. The appellant was already given an opportunity to come over to the office of the respondent, identify the documents and obtain the same on payment of cost. I see no reason to interfere with the intimation dated 17-7-2013 of the respondent. In the above premises, it is open to the appellant to visit the office of the respondent, identify the documents and get the copies on payment of necessary fee. It will be unreasonable on the part of the appellant, who claims to be the Puducherry State South Zone Coordinator of Anti-corruption and Right to Information, to seek such voluminous documents at free of cost.

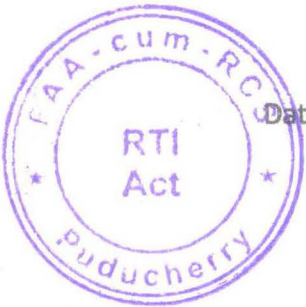
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10. The appellant can avail the opportunity of visiting the office of the respondent and identify the documents he required. The respondent shall provide copies of such documents to the appellant within two weeks from the date of receipt of the additional fees. The claim of the appellant to provide all copies at free of cost is unreasonable in the facts and circumstances of the case and hence cannot be countenanced.

11. This first appeal stands disposed on the above directions to the parties.

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



Dated this 13th day of September, 2013.

(P. PRIYTARSHNY)

REGISTRAR OF CO-OPERATIVE SOCIETIES

To

The Parties.