

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7886 of 2012

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Bindeshwar Sah, Adv. District-Bar Association Sitamarhi-843301

.... Petitioner

Versus

1. The Secretary (RTI), Department of General Administration, State of Bihar, Patna Being Nodal Agency for RTI, State of Bihar

2. The Chief Information Commissioner, Bihar State Information Commission, 4th Floor Soochna Bhawan, Bailey Road Patna-110015

.... Respondents

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Appearance :

For the Petitioner : Mr. Bindeshwar Sah (In person)

For the Respondents : Mr. Lalit Kishor Pr. AAG

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 02-02-2015

This writ petition is filed challenging the action of the respondents, stipulating Rs.50/-as fee on the appeal preferred under Rule 6 of the Bihar Right to Information Rules, 2006 (hereinafter referred to as “the Rules”).

Heard Mr. Bindeshwar Sah, who appeared in person and Mr. Lalit Kishore, Principal Additional Advocate General.

Even in their wildest of dreams the Supreme Court or the Parliament may not have anticipated the volume amount of unnecessary litigation generated under the Right to Information Act. Persons, who have spare time at their disposal, virtually made those who promoted the concept of right to information or those who enacted the law, to think in retrospect.



The petitioner filed an application before the District Education Officer with a request to furnish 'some' information. Complaining that his application was not attended to, petitioner filed an appeal before the State Information Commissioner under Rule 6 of the Bihar Right to Information Rules. Rule 5 of the Rules is to the effect that fee payable for obtaining information shall be as prescribed under Schedule-1. It reads.

“Rates of fees- The rates of fees and other charges for obtaining required information, and documents shall be such as determined under Schedule-1. The State Government may from time to time redetermine the fees and charges by amendment in Schedule 1 through a notification published in the office Gazette.”

Schedule 1 of the Rules stipulates Rs.50/- to be paid on appeal. It is brought to notice of the Court that it has been reduced to Rs.10.

The petitioner contends that stipulation of fee referable to Rule 5 is however only on the application but not on appeal. Other contention is that the Act does not permit of levy of any fee, whatever.

We find it difficult to accept the contention. Rule 5 of the Rules takes in its fold not only the applications but also, the appeals. It has become virtually a fashion for such persons to file

applications without paying any fee even while requiring the entire machinery to be put in motion. The writ petition itself was filed by incurring huge expenditure just to challenge the provision which provide for levy of Rs.10.This only shows the state of affairs in relation to the Act.

We do not find any merit in the writ petition. The same is dismissed. There shall be no order as to costs.

The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

B.T/-

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