

No. 1-34020/2/2005-RTI

Dated, the 28<sup>th</sup> February, 2006**OFFICE MEMORANDUM**

**Subject: Right to Information Act, 2005-Clarification on (i) applications received without 'application fee' and (ii) cases where the applicant does not respond for long/does not respond at all after being intimated by the PIO to deposit the 'fee for providing the information'/inspection of the relevant records etc.**

The undersigned is directed to say that this Department had referred to the DoP&T the following two points for clarification under the RTI Act, 2005:

- (i) Whether the applications received without the prescribed 'application fee' of Rs.10/- are to be entertained under the RTI Act and in case the application is to be entertained without the 'application fee' what should be the crucial date from which the period of 30 days, as prescribed under Section 7(1), is to be counted. Whether it should be the date of receipt of the request (without application fee) or from the subsequent date on which the 'application fee' of Rs.10/- is actually deposited by the applicant.
- (ii) The time/period up to which the cases are to be kept open/pending where the applicant after being intimated by the public authorities/PIOs to deposit the 'fee for providing the information'/inspection of the records, either enters into protracted correspondence on any count or chooses not to respond at all.

2. The DoP&T vide their D.O. No. 10/11/2006-IR dated February nil, 2006 have clarified as under:

".....the applications received without the prescribed application fee of Rs.10/- shall be deemed to be an invalid request and cannot therefore, be entertained. Further, the Act does not provide any time period during which the requester is required to deposit the further fees representing the cost of providing the information and in terms of Section 7(3)(a), the entire period between the dispatch of intimation to make the said deposit and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in Section 7(1)".

3. All concerned may please see for information and necessary action.