



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC-J-A-299/2013

Decision No: SIC-J-A-299/2013/02

Sh. Surinder Kumar	Appellant	Present
Superintending Engineer, PWD (R&B) Jammu-Kathua Circle, Jammu.	FAA	Absent
Sh. Dinesh Kumar Rampal Executive Engineer, PWD (R&B) Construction Division No.1, Jammu.	PIO	Present

**Jammu
08-01-2014**

Briefly the facts in this appeal are that Sh. Surinder Kumar, Editor Golden Yug, Opposite House No. 371, Sector-3, Channi Himmat, Jammu moved an application on 10-10-2013 before the PIO/ Executive Engineer, PWD (R&B) Construction Division No.1, Panama Chowk, Jammu whereunder he sought certain information relating to NITs, work orders issued and works allotted during the period 2010-11, 2011-12, 2012-13 etc.

After receiving the RTI application of the information seeker, PIO vide No:4804 dated 23-10-2013 informed the information seeker that the information sought requires about 10 rims of papers including photocopy charges and staff of about 5 employees to prepare the information. The PIO also requested the

information seeker that in order to provide the extracts of information sought for, an amount of Rs. 3000/- may be deposited in the Divisional chest so that the information can be copied and provided. The information seeker submitted receipt vide a Treasury Voucher No:21/0070 RTI dated 29-10-2013, Head 0070/RTI for an amount of Rs.3000/- as desired by the PIO. Accordingly, the PIO vide office No:5323-25 dated 12-11-2013 furnished the requisite information to the information seeker.

The information seeker filed Ist appeal dated 15-11-2013 against the order of PIO on the ground that the information provided to him by the PIO was misleading, incomplete and irrelevant. The FAA vide office No:SEJ/RTI/10373-77 dated 25-11-2013 informed the information seeker that the information sought by him have been provided by the PIO as per record available in his division and also observed that the RTI Act does not require the PIO to deduce some conclusion from the material and supply the conclusion so deduced to the applicant. The PIO is required to supply the material in the form as held by the public authority, but not to do research on behalf of the citizen to deduce anything from the material and then supply it to the information seeker. Whereas, the information seeker has alleged in his second appeal that the FAA has not offered any opportunity to the appellant to be heard which is contrary to the principles of natural justice in terms of provisions of RTI Act, 2009. The FAA being a quasi-judicial authority is under a statutory obligation to dispose of appeals only after providing an opportunity of being heard to the appellant and also pass a reasoned and speaking order. In this case, FAA has not heard the appellant and only apprised the appellant through a letter quoting therein Para No.15 of the Guide RTI Act, 2005 part (1). The FAA is hereby directed to remain careful in future and act with circumspection while disposing of RTI matters so that there is no violation of principles of natural justice as mandated under the RTI Act.

During the course of proceedings, PIO brought to the notice of the Commission that information sought by the appellant is voluminous in nature and it would disproportionately divert the resources of the public authority as it

requires a lot of man power to prepare and create the information sought by the appellant. It is a settled law as laid down by the Hon'ble Supreme Court in the case of Central Board of Secondary Education vs Aditya Bandopadhyaya, (2011)8 SCC 497 that PIO is not required to create or generate the information and his only obligation is to provide the information which exists in material form. In this case most of the information sought by the information seeker amounts to an exercise which requires creating and generating the information afresh from the office records. In view of the factual matrix of the case, the appellant expressed his desire to inspect the record in the office of the PIO, so that the information which may be relevant to the RTI application can be availed.

Keeping in view the aforesaid facts and observations and also the request of the appellant, PIO is hereby directed to allow the appellant an opportunity to inspect the record in his office during office hours on a working day and in case the appellant requires photocopies of the relevant documents that may be provided to him free of cost. The parties are at liberty to settle the date and time for inspection of record which may be convenient to both of them. The PIO is further directed to file compliance report to the Commission.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-
Dr. S.K. Sharma
State Information Commissioner

Copy to :

1. First Appellate Authority / Superintending Engineer, PWD (R&B) Jammu-Kathua Circle, Jammu.
2. Public Information Officer/ Executive Engineer, PWD (R&B) Construction Division No.1, Jammu.
3. Sh.Surinder Kumar, Editor Golden Yug, Opposite House No. 371, Sector-3, Chhani Himmat, Jammu.

(Khalid A. Shah)
Dy. Registrar,
State Information Commission