



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/322/2013
Decision SIC/J/A/322/2013/28

Sh. Shanker Dass Thakur	Appellant	Absent
Sh. Vikas Sharma Addl. Deputy Commissioner, Udhampur.	PIO	Present
Sh. Dharendra Sharma Tehsildar, Ramnagar.	APIO	Present

**Jammu
28-01-2014**

Briefly the facts in this appeal are that Sh. Shanker Dass Thakur, Sarpanch Panchayat Amroh, Block & Tehsil, Ramnagar & Sr. Leader of NPP C/o Kala Shah Bus Stand, Ramnagar-182122 moved an application dated 18-03-2013 under J&K Right to Information Act, 2009 before the PIO O/o Deputy Commissioner, Udhampur wherein he sought certain information relating to issuance / renewal of RBA certificates in Tehsil Ramnagar and others Tehsils of District Udhampur.

The PIO/Addl. Deputy Commissioner, Udhampur vide office letter no. ADC/RTI/1/Adm dated 11-01-2014 informed the Commission that the said application of the information seeker was forwarded to all the Tehsildars of the district vide office letter no. 5-9/Adm dated 02-04-2013 for providing the information to the information seeker directly within the stipulated time. A

copy of the aforesaid letter was also endorsed to the information seeker. Tehsildar, Ramnagar vide office letter no.251-52/M dated 24-05-2013 provided the requisite information to the applicant. In the meantime, the said applicant filed another RTI application dated 02-07-2013 before the PIO, seeking the information with regard to providing of authenticated and computerized information on a format devised by him on his own in respect of Tehsil Ramnagar. The said RTI application was forwarded to the Tehsildar, Ramnagar by the PIO/Addl. Deputy Commissioner, Udhampur vide office letter no. 1588-89/Adm dated 08-07-2013.

The Tehsildar, Ramnagar vide his letter no. 689-90/M dated 19-08-2013 addressed to the RTI applicant copy whereof endorsed to PIO/ADC, Udhampur intimated the information seeker that only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information.

However, the applicant was not satisfied with the reply of Tehsildar, Ramnagar filed 1st appeal dated 18-09-2013 before the FAA i.e. Deputy Commissioner, Udhampur which was disposed of with the following observations:

"I have examined the nature of information sought by the RTI applicant and have come to the conclusion that the applicant has asked for the creation of information in a format devised by the applicant himself. However, under the RTI Act, only the information which already exists and held under the control of the public authority can be supplied. Since the information sought would require creation of information, the same is not bound to be supplied by the public authority.

The Tehsildar, Ramnagar is however bound to supply the related information and records available and held under his control in accordance with the Rules. The Tehsildar, Ramnagar is accordingly directed to reckon the quantum of such information and inform the RTI applicant regarding the same with a period of fifteen days from the receipt of this order."

The appellant was not satisfied with the aforesaid order of the FAA/Deputy Commissioner, Udhampur preferred 2nd appeal dated 17-12-2013 before the Commission. The Commission after receiving the 2nd appeal, listed the matter for hearing on 28-01-2014 at Jammu office of the Commission. The PIO/Addl. Deputy Commissioner and the Tehsildar, Ramnagar were present in person.

During the course of proceedings held today, the PIO apprised the Commission that the information sought by the information seeker is voluminous in nature and will disproportionately divert the limited resources of the public authority would also prove detrimental to the safety or preservation of the record in question and apprised the Commission that in the given circumstances it would be better to provide a facility to the information seeker to inspect the record in their office and in case he requires photocopies of the relevant documents that may be furnished to him on payment of requisite fee as prescribed under the RTI Act, 2009. It would be pertinent to mention here that Hon'ble Supreme Court of India in Central Board of Secondary Education V/s Aditya Bandopadhyay (2011)8 SCC 497 has held that only such information can be supplied under the RTI Act which already exists and is held by a public authority or held under the control of public authority. The PIO is not supposed to create the information. In this case, the appellant has sought certain information in a performa innovated by him which is not readily available in office record and that too has not been computerized. Generating such information from the office record will involve an onerous exercise on the part of public authority which will run for months together and will disproportionately divert the meager resources available with the public authority. Such an exercise will amount to creating the information de novo which is not the mandate of the RTI Act, 2009. Therefore, in the given circumstances, it would be better to provide the information seeker a facility to inspect the record in the office of the PIO.

Keeping in view the aforesaid facts and observations, the PIO is hereby directed to allow the appellant an opportunity to inspect the record in his

office on a working day and in case he requires photocopies of the relevant documents that may be provided to him on payment of requisite fee as prescribed under the RTI Act, 2009

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 the:-

4. Public Information Officer/Sh. Vikas Sharma, Addl. Deputy Commissioner, Udhampur.
5. Assistant Public Information Officer/Sh. Dharendra Sharma, Tehsildar, Ramnagar.
6. Sh. Shanker Dass Thakur, Sarpanch Panchayat Amroh, Block & Tehsil, Ramnagar & Sr. Leader of NPP C/o Kala Shah Bus Stand, Ramnagar-182122.

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