



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/CO/SA/98/2013

Decision No: SIC/CO/SA/98/2013-593

Title:- Ghulam Mohd. Lone
V/s
PIO Fire & Emergency Services, Jammu

Jammu
19.02.2014

This is a second appeal filed by Ghulam Mohd Lone, a resident of the State. In order to adjudicate the appeal, the Registry of this Commission had given an opportunity to FAA, PIO and appellant to be present. Shri Rajinder K. Hak, Joint Director-cum-FAA and Shri Mohd. Ayub Sheikh, Accounts Officer-cum-PIO attended. The Appellant also attended. They have been heard.

2. Before going into the merits of the appeal, the Commission has to ensure that the appeal so filed which emanates from the application under section 6 is in order and as per the provisions of the State RTI Act rw State RTI Rules, 2012. As per Rule 4, the appellant had to pay basic fee of Rs.10/- by way of cash against proper receipt or by bank draft or a Bankers Cheque or Indian Postal Order payable to the Accounts Officer of the public authority. The mandatory provision of law for paying the fee enabling a resident of the State to have access to the information held and obtained by public authority is contained in section 6 of the State RTI Act 2009. The appellant has deposited fee by way of non-judicial stamp paper of Rs.50/- which was valid under RTI Rules 2010 which have been repealed

since 2012. Hence the application suffers from the basic infirmity. As the application is ab-initio bad in law because fees has not been paid in accordance with section 6 rw Rule 4 of 2012, therefore, the application stands dismissed. However, the appellant has a right to file fresh application under section 6 before the PIO of the public authority after fulfilling the legal and procedural requirements for seeking the information.

3. The Commission has observed that this serious infirmity in the application has not been noticed by the PIO. Otherwise the infirmity could have been later on set right by the information seeker and he would have exercised his right to information without further waste of time. The Commission would once again require the Public Authorities to peruse the Act before summarily rejecting the RTI application.

The second appeal is accordingly dismissed.

Sd/-
(G.R. Sufi)
State Chief Information Commissioner

Copy to:

1. First Appellate Authority, Fire & Emergency Services, Jammu
2. Public Information Officer, Fire & Emergency Services, Jammu
3. Shri Gh. Mohd. Lone S/o Mohd. Sultan Lone, C/o Director General, Fire and Emergency Department, Gandhi Nagar, Jammu.
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(G.Q. Bhat)
Registrar
State Information Commission